

**Response to Comments**  
**CHAPTER 16. INDIVIDUALS'**  
**COMMENTS**

**Comment Letter I001 (Julie Ledbetter, April 12, 2010)****I001****Kris Livingston**Julie Ledbetter  
415-516-2074

**From:** Julie Ledbetter [julieledbetter@hotmail.com]  
**Sent:** Monday, April 12, 2010 4:12 PM  
**To:** HSR Comments; prp@caltrain.com  
**Subject:** Comments on Bay Area to Central Valley Revised Draft Program EIR

Julie Ledbetter  
 615 Devon Drive  
 Hillsborough, CA 94010

April 12, 2010

Dan Leavitt [Sent by Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov) (or) by FAX: 916-322-0827]  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814  
 RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

I live in Hillsborough, at the following address: 615 Devon Drive. The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

- Describe noise and vibration impacts
- Describe view impacts
- Describe impacts on trees and other vegetation
- Describe public safety dangers

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above – and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I request you to revise the Draft EIR you have prepared, to address my concerns, and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,

I001-1

I001-2

I001-3

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**Response to Letter I001 (Julie Ledbetter, April 12, 2010)**

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**I001-1**

See **Standard Responses 3 and 5.**

**I001-2**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I001-3**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

## Comment Letter I002 (Louise Bonomo, April 26, 2010)

I002

### Kris Livingston

**From:** Louise Bonomo [lbono534@hotmail.com]  
**Sent:** Monday, April 26, 2010 8:57 AM  
**To:** HSR Comments  
**Cc:** cbaylock@burlingame.org; marc.hershman@asm.ca.gov; lieberman@sen.ca.gov; senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; mark.pulido@sen.ca.gov  
**Subject:** Comments on HSR

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. [Get busy.](#)

April 25, 2010

Dan Leavitt, California High Speed Rail Authority  
 925 "L" Street, Suite 1425  
 Sacramento, CA95814

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I live in adjacent Hillsborough, but Burlingame is the primary commercial area serving our town.

I002-1

My son attends Burlingame High School and I am concerned about the impact the HSR would have on the school itself as well as the community.

Here are my concerns:

λ I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems along the train corridor – specifically near California Drive.

I002-2

λ I DO NOT LIKE the fact that a possible elevated railway will divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences.

I002-3

λ Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will not only disrupt the already congested traffic in the vicinity, but will also destroy the beautiful landscape of Eucalyptus trees.

I002-4

I think at the very least, you should consider running the tracks alongside our major freeways (highways 101 or 280) or have the train stop in San Jose. The SF Peninsula is densely populated with homes and businesses, and running the tracks through the already-congested corridor of the Caltrain tracks will disrupt many communities – not only during the construction phase, but afterwards when communities will be physically divided by this project.

I002-5

Thank you for your consideration.  
 Sincerely,

Louise Bonomo  
 30 Fagan Drive  
 Hillsborough, CA 94010



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**Response to Letter I002 (Louise Bonomo, April 26, 2010)**

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**I002-1**

See Response to Comment 1017-4.

**I002-2**

The potential noise and vibration effects of the HST operations will be estimated and assessed using the Federal Railroad Administration (FRA) guidance contained in their "High-Speed Ground Transportation Noise and Vibration Impact Assessment Report" October 2005. The project-level noise analysis will include impacts at sensitive receivers, such as residences, schools, parks, and similar facilities located along each of the HST project sections. See Standard Response 5.

**I002-3**

Comment acknowledged. The Authority has received a number of comments expressing concern over the impacts of the HST being placed on an elevated structure. The Authority is evaluating multiple profile alternatives at the project level including at-grade and below grade alternatives (trench and tunnel) in addition to an aerial profile. As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. In addition, construction of grade separations where none previously existed would improve circulation between neighborhood areas.

**I002-4**

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level

engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, traffic, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

**I002-5**

The commenter states that the HST should be put alongside major freeways. The Authority looked at alternatives alongside transportation facilities including highways, roads, and railroads to minimize potential impacts as part of the program-level environmental documents. See Figure 3-1 in the Revised Draft Program EIR Material which shows the relationship to existing freeway, highway, and rail corridors. See also Standard Response 10 regarding alternatives.

## Comment Letter I003 (Carol and Tom Gillett, April 24, 2010)

I003

### Kris Livingston

**From:** cgillett [cgillett@sbcglobal.net]  
**Sent:** Saturday, April 24, 2010 12:56 PM  
**To:** HSR Comments  
**Subject:** Comments for EIR on High Speed Train through the Peninsula

Date: April 24, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA95814

Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)

Fax: (916) 322-0827

**Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments**

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a Hillsborough resident who supports our local community schools and businesses, and this proposed above ground track will be a MAJOR environmental catastrophe if built above ground..

Here are my concerns:

X I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems for peninsula residents from San Francisco to San Jose

**Many residents residing close to the tracks are low income; the impact on their quality of life will be egregious, and in many cases, they will not be able to move to escape the impact.**

**Furthermore, there will be noise related lawsuits demanding restitution for noise and vibrations. These are extremely costly,**

**requiring substantial monies for legal fees and remedies....we should spend the money to build underground initially and avoid these catastrophic costs.**

Please analyze and describe how noise levels will increase

☒ HSR will divide Burlingame, San Mateo, Belmont and communities throughout the peninsula.. It will add at least 2 tracks to the existing 2 tracks used by Caltrain, and possibly more for passing sidings. If tracks are elevated, this is a major change from the current ground level tracks and would be like putting an elevated freeway through the center of the Peninsula. Further it would divide Burlingame High School and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. It would also impact Palo Alto, Menlo and other schools in the Peninsula.

We hear train noise in Hillsborough now, as the sound rolls up the hill. If trains are elevated, noise will be even louder, impacting quality of life and property values.

To avoid this, I want HSR and Caltrain tracks underground.

☒ Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

X Although Caltrain already runs through our neighborhoods, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

Other ways this will hurt my area's look and feel: Peninsula communities cherish our trees and smaller-town environments. **An above ground train will be a blight on the area, creating a catastrophic metal and electric tangle, once constructed, it can never be remedied, and will forever denigrate the area.**

**This will also impact the tax base by reducing property values and forcing people in close-by neighborhoods to leave; there is very little affordable housing in the area, and relocation will likely drive them to other communities, reducing population and our tax base.**

Please explain how you concluded that the visual impact of HSR on our community will be "low."

☒ My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. Further, the extra areas required will cut trees and damage long-established plantings along sides of the current tracks. Once again, they can not be replaced, and the sterile areas would have a traumatic impact on visual and environmental quality of life.

Current track

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. \_

**There have been recent suicides and deaths on the current tracks, and HSR above ground will dramatically increase this risk. For safety, tracks need to be placed underground.**

**Furthermore, tracks and trains can be more adequately secured from any terrorist threats by reducing above-ground access.**

☒ I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

X Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

**If HSR is above ground, noise mitigation lawsuits will follow, and we will be forced to pay for soundproofing houses, schools, and businesses as airlines have had to do.**

**It is extremely costly, and never ending!**

**Rather than waste time and money on legal fees and fixes after the fact, we should spend the money on underground construction initially.**

☒ Powerful new electrical poles and wires will be needed, and will create an overhead blight as well as requiring tree destruction.

**Comment Letter I003 – Continued**

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

- ☒ Put the high speed train in a tunnel.
- ☐ Put the high speed train in a covered trench.
- ☐ Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- ☐ Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Carol and Tom Gillett

930 VISTA ROAD

HILLSBOROUGH, CA 94010

CC:

[cbaylock@burlingame.org](mailto:cbaylock@burlingame.org)

**State Assemblymember Jerry Hill,**

Mail: 19th District, 1528 S. El Camino Real,

Suite 302, San Mateo, CA94402

Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo, [Marc.Hershman@asm.ca.gov](mailto:Marc.Hershman@asm.ca.gov)

**State Senator Leland Yee**

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan: [Lieberman@sen.ca.gov](mailto:Lieberman@sen.ca.gov)

**State Senator Joe Simitian**, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing

Mail: 160 Town & Country Village, Palo Alto, CA94301

Fax: (650) 688-6370

Email: [Senator.simitian@sen.ca.gov](mailto:Senator.simitian@sen.ca.gov) (emails are sent to transportation staffers in Palo Alto and Sacramento)

**Congresswoman Jackie Speier**

Mail: 12<sup>th</sup> Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, [margo.rosen@mail.house.gov](mailto:margo.rosen@mail.house.gov)

**Governor Arnold Schwarzenegger**

Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

**U.S. Senator Barbara Boxer**

I003-21  
cont.

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

**U.S. Senator Diane Feinstein**

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

**State Senator Alan Lowenthal**, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach [Mark.Pulido@sen.ca.gov](mailto:Mark.Pulido@sen.ca.gov)

I003-22

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**Response to Letter I003 (Carol and Tom Gillett, April 24, 2010)**

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**I003-1**

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 2.

**I003-2**

See Response to Comment I002-2 regarding noise and vibration.

**I003-3**

See Standard Response 6 regarding property values.

**I003-4**

We acknowledge the comment advocating selection of a tunnel profile. The Authority is aware that litigation on a wide variety of issues is a risk with any major infrastructure project such as the high-speed train. Please see also Standard Response 10 noting that below grade options will be investigated along the San Francisco to San Jose Corridor if that corridor is part of the selected network alternative.

**I003-5**

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. See Standard Responses 3 and 5.

**I003-6**

Comment acknowledged. The Authority has received a number of comments expressing concern over the impacts of the HST being

placed an elevated structure. The Authority is evaluating multiple profile alternatives at the project level including at-grade and below grade alternatives (trench and tunnel) in addition to an aerial profile.

**I003-7**

See Response to Comment I003-5 and Standard Response 6.

**I003-8**

Please see Standard Response 10, section regarding alignment profile alternatives.

**I003-9**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

**I003-10**

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be done as part of project level engineering and environmental analyses, if the Caltrain corridor is part of the network alternative ultimately selected by the Authority. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary

system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

### **I003-11**

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

### **I003-12**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be

assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final EIR, construction of the HST may require the removal of vegetation and landscaping. Design practices and mitigation measures would lessen visual impacts by planting fast-growing trees and by seeding/landscaping areas disturbed by construction. The Final Program EIR identified that the proposed project would result in significant and unavoidable visual impacts even with mitigation. Specific locations and the scale of visual impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

### **I003-13**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously

existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

#### **I003-14**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts at the program level including temporary construction areas and removal of landscaping. Specific locations of temporary construction areas and analysis, including a detailed evaluation of impacts, will be part of subsequent project-level EIR/EISs.

#### **I003-15**

Any impacts on traffic, circulation, transit, parking, pedestrian and bicycle facilities will be evaluated under the project-level traffic impact analysis study. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of potential traffic impacts due to the proposed reduction in the number of lanes of Monterey Highway and feasible mitigation strategies will also be included in project-level EIR/EISs.

#### **I003-16**

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of

eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

#### **I003-17**

An HST system Safety and Security Program Plan (SSPP) will be prepared at the project level to define safety and security goals and objectives. A major component of this plan will be a Threat and Vulnerability Analysis (TVA). This analysis will identify potential threats related to transit people and property and will provide guidance in implementing protective measures through incorporation of design features and operational tactics. This process will be in compliance with the U.S. Department of Transportation and Department of Homeland Security guidelines.

#### **I003-18**

The visual assessment in the 2008 Final Program EIR considered the visual impact in Burlingame and produced a photosimulation that was presented in Chapter 3.9, Aesthetics and Visual Resources, in the Final Program EIR. The simulation considered that the distance measured between the canopy of the trees lining the right-of-way in Burlingame is between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section is about 77 feet, as measured from an aerial photo. This led to the determination at a program level that four tracks could be accommodated without removal of the existing trees. With the trees remaining, they would remain the dominant visual feature, making the visual impact of replacing the existing at-grade railway with HST and Caltrain on a retained embankment a low visual impact.



A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor can be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

**I003-19**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a

detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes.

**I003-20**

See Response to Comment I003-4.

**I003-21**

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. Also see Standard Response 3.

**I003-22**

See Standard Response 10 regarding alternatives.

## Comment Letter 1004 (Steven and Mary Lou Wald, April 10, 2010)

Apr 10 10 12:27p Steven Wald

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Apr 10 10 12:27p

Steven Wald

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p.2

Page 2 of 2

Steven and Mary Lou Wald  
925 Hillsborough Blvd  
Hillsborough, CA 94010

April 10, 2010

Dan Leavitt FAX: 916-322-0827  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

I live in Hillsborough, CA at the following address 925 Hillsborough Blvd. The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

1004-1

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

- The noise and vibration studies are not adequate or were made available for commenting. How far will the noise and vibration travel? What is the impact on animals, people, and way of life in Burlingame? 1004-2
- The historic Burlingame Train Station is a draw to visitors from all around the bay area. HSR's impact on this historical treasure will adversely affect the retail businesses on Burlingame Avenue and the adjacent streets. As a result, it will greatly impact the town's revenue from sales and property taxes. 1004-3
- The tennis courts in Washington Park will be useless due to the noise and shadows HSR overpass will create. Using the park's other facilities (i.e., BBQ, Lion's Club, etc.) adds to the livability of Burlingame and Hillsborough and your plan will adversely affect our right to enjoy this park and basically, restrict our right to the pursuit of happiness. 1004-4
- The care provided by the assistant living home (Altreia) on Burlingame Ave will be adversely affected. What studies have been done to demonstrate that seniors living in or near this center will not be affected negatively? 1004-5
- HSR construction is akin the San Francisco embarcadero freeway built in the 1950s. It was an eyesore from day one; it suppressed property values, became a magnet for crime, and created blight for the SOMA area of SF. What studies or measures has HSR taken to ensure that this does not happen in Burlingame? 1004-6

Please consider building an alternate route, go underground, or simply begin/end the HSR line at San Jose, and thereby save billions of dollars in construction costs, eminent domain costs, and legal fees.

1004-7

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above – and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

1004-8

I request you to revise the Draft EIR you have prepared, to address my concerns, and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

1004-9

Yours truly,

Name

Mary Lou Wald  
Steven Wald



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**Response to Letter I004 (Steven and Mary Lou Wald, April 10, 2010)**

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**I004-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

The Authority disagrees that impacts and mitigation measures were not properly investigated. The current Revised Draft Program EIR Material is part of a first-tier, programmatic environmental review process examining the impacts of 21 network alternatives at a broad level of detail.

**I004-2**

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. See Standard Responses 3 and 5.

**I004-3**

The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources is included in the May 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources. More detailed information and analysis of potential impacts to the Burlingame train station will be included in project-level EIR/EISs. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National

Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level.

**I004-4**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public parks and recreation was not one of those topics. Please see Chapter 3.16 of the 2008 Final Program EIR. The tennis courts at Washington park are currently over 150 feet east of the existing Caltrain right-of-way and are further separated by Carolan Avenue. More detailed analyses related to impacts on recreational resources during construction and operation will be performed during the project-level EIR/EIS analysis, when more detailed design and location information will be available.

**I004-5**

See Standard Response 6.

**I004-6**

The Embarcadero Freeway was built using early 1950's design and construction methods. It was located along the waterfront, which at that time was an industrial area, the port and central produce market. The switch to containerized shipping in the 1960's led to the shipping industry moving across the bay where extensive lands could be had to establish container shipping facilities. Redevelopment efforts by the City drew expansion of the Financial District to the Embarcadero by relocating the produce market out of downtown. Planning and economic conditions changed the environment around the Embarcadero Freeway and its removal and

replacement with a surface roadway happened after all the actions described above. It was placed in a location that was blighted and then actions by the city and global shipping economics worked to remove the blight.

HST is being added to an existing railway corridor that has not blighted, nor retarded economic activity in its vicinity. It is the expansion of an existing use (the railway, which pre-dates the development of the city) that the City of Burlingame has grown around. The comparison to the Embarcadero Freeway is not applicable.

**I004-7**

Please see Standard Response 10 regarding alternatives.

**I004-8**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I004-9**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

## Comment Letter I005 (Dr. Macdonald Morris, April 26, 2010)

I005

### Kris Livingston

**From:** Don Morris [don.morris@gmail.com]  
**Sent:** Monday, April 26, 2010 11:43 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dan Leavitt  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

Re: Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt,

My wife and I and our one-year-old twins live one and a half blocks from the peninsula rail corridor in Atherton, which is the proposed high-speed rail corridor. Building the high-speed rail line as proposed would have very significant impacts on us and our neighborhood as described below. I have reviewed the EIR and it is clear that it does come close to adequately addressing these impacts in our neighborhood or others as required by law. I do not believe this EIR is acceptable. Here are some of the impacts that are not addressed:

I005-1

The local environment is extremely quiet residential area with low levels of traffic and noise and extensive areas of native oaks and wildlife habitat. It is home to many species including hawks which are nesting next door to us. (The habitat is so much better preserved than surrounding communities that its shape is clearly visible from planes as you land at SFO) The noise and vibration from high-speed rail would be devastating to the local wildlife in what is one of the few -- if not the only -- remaining level area of relatively undisturbed native oak habitats on the peninsula.

I005-2

The noise will have significant impacts on us personally. My wife and I are both hard of hearing and we moved to Atherton partly to be in an area where we could hear each other outside without loud noise from traffic and commercial activity. Frequent high-speed trains would make that much more difficult.

I005-3

The visual impact of an elevated platform cannot be underestimated. An elevated concrete platform looming overhead would entirely change the character of the neighborhood. A ground level approach might have less visual impact but would have very significant impacts on rerouting traffic (road closures would another five minutes to my commute each way every day). The historic train station would probably fall victim to the expansion and the serene character of our town center would be destroyed.

I005-4

I005-5

I005-6

Finally we are very concerned about the safety of our children and the EIR has done nothing to appropriately address or even elucidate the various safety risks.

I005-7

In summary this EIR is not adequate and should not be accepted. Thank you for your time and consideration.

Sincerely,

Dr. Macdonald Morris  
 34 Lloyd Drive Atherton CA 94027

**Response to Letter I005 (Dr. Macdonald Morris, April 26, 2010)****I005-1**

The Authority disagrees. The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration. See Standard Responses 2 and 3.

**I005-2**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Impacts to wildlife were considered in Chapter 3.15 of the May 2008 Final Program EIR. Concerns regarding potential for noise impacts from the HST system to disturb wildlife along an alignment are acknowledged. More detailed analysis of potential noise impacts will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement, and alignment variations will also be further considered. Also see Standard Response 5.

**I005-3**

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. See Standard Responses 3 and 5.

**I005-4**

The visual assessment in Chapter 3.9 in the 2008 Final Program EIR considered the visual impact in Atherton and all along the peninsula. The program analysis of the visual impacts relied on measurements taken from aerial photos. It was determined that the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most all mature trees, if not all, are outside the right-of-way. The Program EIR

assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges. The Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way, meaning that trees outside the right-of-way would not be removed, although some trimming could be required for vegetation intruding on the right-of-way. The trees along the right-of-way could work to screen the visual impact and noise from the project, including any potential soundwalls.

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees can be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. In addition, the project-level environmental analysis could determine which, if any, existing grade crossing would be closed.

**I005-5**

All HST tracks will be grade separated; therefore, the alignment itself will not lead to re-routing of traffic or waiting at signals, except in the construction phase and due to a few permanent road closures. The impacts due to traffic accessing HST stations will be analyzed and presented in project-level EIR/EIS.

**I005-6**

The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources is included in the May 2008 Final Program EIR, Chapter 3.12,

Cultural Resources and Paleontological Resources. The Atherton Caltrain Shelter is not a designated state or federal historic, and new determinations of eligibility for sites/resources adjacent to or near alignments were not part of the scope of the program-level EIR. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level.

**I005-7**

The HST project under consideration in the Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic, if the Caltrain corridor is included in the network alternative ultimately selected by the Authority. The HST project is therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor of easy pedestrian access to the rail tracks.

**Comment Letter I006 (Jerry Carlson, April 25, 2010)**

1006

TO: 916-322-0827

DAN LEAVITT  
CALIFORNIA HIGH SPEED RAIL AUTHORITY  
925 L STREET, SUITE 1425  
SACRAMENTO, CA 95814

RE: COMMENTS ON BAY AREA TO CENTRAL VALLEY  
REVISED DRAFT PROGRAM EIR

FOUR (4) PAGES FOLLOW

FROM: 650-323-0406

JERRY CARLSON  
95 MT. VERNON LANE  
ATHERTON, CA 94027

Jerry Carlson  
95 Mt. Vernon Lane  
Atherton, CA 94027  
Tel. 650/321-1327  
raljer@ix.netcom.com

April 25, 2010

Dan Leavitt  
California High Speed Rail Authority  
925 L Street – Suite 1425  
Sacramento, CA 95814

Attn: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt,

Introduction

While I am supportive of High Speed Rail (HSR) in concept, I am not supportive of the CHSRA Revised EIR for reasons outlined below. It is becoming increasingly evident that funding dollars will have to magically come from China or some other overseas source if it is ever to be built and completed. Neither the federal, state nor local governments will be in any financial position to put the projected funds into the project. Private financing which will need some form of public guarantees is very unlikely.

I006-1

I006-2

Regional transportation systems throughout the state are 'sucking air', i.e. they need public funds to stay alive and that funding is becoming scarcer as other priorities come into play. Expanding viable regional transportation systems, including Bay Area to Central Valley, would have a greater overall beneficial impact on the environment. Developing seamless inter modal connections using various forms of public transport solutions, within a region, would get far more cars off the roads than HSR by itself. Once a viable regional system is in place in the north and south then link them together by HSR.

I006-3

Revised EIR

My comments focus primarily on policy and process issues since I am an Atherton city councilman and former mayor, as well as having been a financial executive for one of the largest high tech companies. The following areas will be addressed:

I006-4

- Public comment process including public outreach and response to legitimate public concerns about the process was flawed
- New information has cast grave doubts as to earlier route selection decision.
- Failure to recognize the growing extent of public opposition to
- Failure to plan for terrorist plots against the rail line

Outreach and Responsiveness to Legitimate Public Concerns, Including Residents on the Peninsula Most Directly Impacted by the Project were Short Changed.

1. Requests for additional time to respond to the Revised EIR were ignored and not responded to by the authority. I personally appeared before the April board meeting, held in San Jose, as well as the Executive and Operations committees requesting an extension of the comment period beyond 45 days.

I006-5

- a. This is the largest public works project ever in the state and the nation. No additional time has been allowed for studying, analyzing and commenting on the complex EIR issues contained in the document.
- b. Community resources are limited and organizing volunteers to augment the review and analysis process for such an impactful project requires additional time for organization and consolidation of conclusions.

1



## Comment Letter I006 - Continued

- c. The process was further complicated by not incorporating the revised portions together with the unrevised original document resulting in having to review two long and complicated documents for analysis purposes. The court ordered the entire original EIR be decertified which the board did. The board elected to expedite its process by not taking the time to integrate the two documents into one, thus, placing greater burden on the parties wishing to analyze and comment.
2. There was no meeting held on the Peninsula to receive public comment despite the board knowing that the greatest opposition to the Program EIR and resulting law suit had originated from concerned residents in this section.
3. The board has been slow and apparently very resistant in supplying documents as requested by cities and residents. This has greatly hampered and delayed the studying and analyzing key pieces of information necessary for making informed comments.

I006-5  
cont.

**Conclusion** – the CHSRA went through the motions to comply with the court's ruling to the minimal extent. There was a complete disregard for allowing sufficient time and creating meaningful time opportunities for adequate public comment. This has further added to the deep distrust the Peninsula cities have towards the authority and its ability to exercise responsible judgment in overseeing this project.

Earlier Ridership Numbers Used by the Authority to Reach its Conclusion re Pacheco versus the Altamont Pass Selection has Proved to be Invalid.

1. The Authority, itself, has admitted that the earlier ridership numbers are not valid. As part of the route selection process, ridership and potential resulting revenues were key factors in the selection of the Bay Area to Central Valley Route. The board is demonstrating a lack of honesty by ignoring this new finding and its potential impact on earlier route conclusions. It has opened itself up to yet another law suit by not taking this into account in its revised EIR. There are billions of state and federal tax payer dollars ultimately at risk with this project. Public agencies should set the standard for making certain that any subsequent significant factors that are potential determinates of success or failure on a public project be brought forward and recognized in correcting earlier conclusions.
2. The Authority's failure to restudy the route from the Central Valley to the Bay Area after key factors have changed directly affects the route selection for the San Jose to San Francisco portion of the Bay Area route. The court could not have anticipated, nor could have the plaintiff's attorney known that the ridership and revenue figures were based on flawed modeling which is still be investigated by outside experts. If this fact had been known at the time of trial the court would have had additional cause to rule whether the process had been properly followed.
3. Comparison of using the Caltrain corridor with other possible Peninsula routes such as highway corridors 101 and 280 was flawed. The CHSRA board members representing San Francisco and San Jose sold the other board members to conclude that the Caltrain was the only feasible corridor for the Peninsula. All the other segments had more than one other alternative that was to be considered. CHSRA should have selected a potential operator to evaluate the horizontal routing for this segment to further ascertain the benefits and liabilities of each potential Peninsula route. The study put into alternative routes was not complete.
4. Unlike the other segments the conclusion to use the Caltrain corridor had already been established before within the Program EIR as being the only acceptable route. Cities and residents never had an opportunity to weigh in on the process. The Program EIR provides what the benefits will be for Caltrain. It does not discuss the potential problems and conflicts between Caltrain and HSR that are beginning to come to the public's attention. Generally, the corridor cities are on the side of Caltrain and want to see it survive as a viable regional transportation system. However, if HSR uses dedicated tracks rather than sharing them with Caltrain the Baby Bullet train will not have necessary passing tracks needed for passing trains ahead of it and, consequently, we not survive. This will allow HSR to capture all the riders going directly to or from San Jose to San Francisco from Caltrain. Caltrain is already in a dire financial situation which will be further deepened if Baby Bullet dies. In addition, certain

I006-6

2

vertical rail alignments may preclude Caltrain and HSR being able to share overhead electrification equipment further harming Caltrain.

**Conclusion** – the CHSRA has left itself open to further legal challenges including its conclusion to use the Caltrain corridor. The Peninsula section was not adequately studied and the same ridership and revenue flaws apply. In addition, it is evident from Caltrain's own admission that it cannot survive without electrification funds from the High Speed Rail project. CHSRA has offered to help secure these funds from the stimulus funding process under the ruse of it being an 'independent utility' example. As the project EIR proceeds, two important observations can be made; a) the money estimates in the Program EIR do not contain funding for Caltrain tracks or grade crossings while HSR is presumed to be on an aerial structure; and b) HSR will become a competitor of Caltrain for the San Jose to San Francisco business which guarantees that neither will be profitable in this track section. This is another example of the growing distrust of the viability of the project and the ability of the board to manage a complicated transportation project.

I006-6  
cont.

Section A 4-1 Fails to Address the Growing Organized Opposition that has Developed on the Peninsula and in Other Parts of the State Toward the Project.

1. Community grass roots organizations have been formed up and down the Peninsula. Several hundred thousands of dollars have been raised to date from concerned citizens, many of whom originally voted for HSR but are no longer supporters. Many feel the manner in which Prop. 1A 'sold' the HSR project was misleading and a slick marketing effort. There is the same reaction towards the \$9 million that has been allocated to the public relations firm to do 'outreach efforts' which is translating into more slick marketing campaigns. Requests from the cities to help inform residents about the Alternatives Analysis process is being denied without any reason being given. (It's a Sacramento decision meaning the authority and its staff.) The local press is aligning with the protests and even calling for a new ballot measure to invalidate Prop. 1A or to make significant changes.
2. Peninsula cities have already taken action to fund lobbying activities in Sacramento and Washington D.C. to represent the interests of their constituents. In addition, they are providing funding to hire world class consultants to provide expert testimony in expected future legal actions. These preparations are being prompted by the distrust towards the CHSRA board and its make up of politicians instead of qualified transportation experts. The cities have noted that the Peer Review Committee called for in AB 3034 is not being supported by CHSRA in its funding requests to the state legislature. This is another sign that the board should not be trusted to carry out what the voters thought they were voting for.
3. Members of the state legislature have become increasingly concerned about CHSRA board's handling of the project. Senate Budget Committee members want the project to be 'done right'. Unless the project can be 'done right' it shouldn't be done at all.
4. There is a growing perception that HSR is not good for either Caltrain or the corridor. Peninsula cities and residents support the long term viability of Caltrain including the possibility of finding additional long term funding mechanisms. However, the evolving plan for HSR is raising serious questions about the potential negative impact on Caltrain's future. Co-existence along the same corridor will mean competition for riders and revenues. Caltrain's existence is dependent on using HSR tracks for their Bullet Train; however, HSR is stating (Sacramento) that HSR will need a pair of 'dedicated' tracks. The potential operational and other problems that have to be resolved should have been spelled out in the Revised EIR.
5. At the recent CHSRA board meeting, in San Jose, many community members who had waited hours to address the board concerns about the project, which had been placed at the end of the agenda were not allowed to do so because the room was booked for another function. It is noteworthy, however, that the room was still not being used for other purposes hours later. This one incident in itself may not be a big deal but all the little and medium size deals like this adds up to one very big deal – the authority is not dealing in good faith.

I006-7

**Conclusion** – The Revised EIR continues to resemble more a marketing document than an impartial EIR analysis of the facts and what mitigation needs to be applied.

3

**Comment Letter I006 - Continued**

Revised EIR Fails to Adequately Address Security Issues

1. Homeland Security and other U.S. agencies are concerned about potential terrorist or other threats to rail lines. In Europe, the security threat to HSR and the actual occurrence in Spain are causing plans to be formulated for security checks at rail stations. CHSRA should adopt a policy that incorporates security feature into the operational plan for HSR. Additional personnel and security space needs to be factored into the plans. The additional time factors, facility impacts and costs should be added to the Program EIR as being significant potential environmental factors that need to be considered throughout the system. Interruptions of power and derailment from an aerial structure through compact residential areas are examples of scenarios that should be incorporated into the planning process.

1006-8

Conclusion – CHSRA needs to ensure that security considerations are specifically addressed and is planned for each route option and included in the station requirements.

The concerns and fears associated with HSR are growing on the Peninsula. The impact of the horizontal route would be much less if the 280 corridor was used and would give passengers a much more scenic route from San Jose to San Francisco. Grave new concerns about the potential negative impact of HSR on Caltrain's ability to survive are accelerating. There is concern that HSR won't get the funds to 'do it right' and the resulting environmental impact on the Peninsula would be enormous. There is equal concern that a partially constructed system that is never finished for lack of funding will cause problems along the entire system. Finally, there is a deep distrust about the ability of the board to manage this type of project successfully. Professional management would still be taxed to the limit to meet all the challenges but at least might have a small chance for success.

1006-9

1006-10

1006-11

Sincerely,

  
Jerry Carlson, *co-chairman*  
Town of Atherton



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**Response to Letter I006 (Jerry Carlson, April 25, 2010)**

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**I006-1**

Comment noted.

**I006-2**

The Authority disagrees with your statement. For more information on the funding plan, please see the Authority's Business Plan.

**I006-3**

State law created the California High-Speed Rail Authority with specified powers and duties relative to the development and implementation of a high-speed train system. The Metropolitan Transportation Commission (MTC), Bay Area Rapid Transit District (BART), PCJPB (Caltrain), and the High Speed Rail Authority, along with a coalition of rail passenger and freight operators, prepared the San Francisco Bay Area Regional Rail Plan, which was adopted by the MTC in September 2007. The Regional Rail Plan examines ways to incorporate passenger trains into existing rail systems, improve connections to other trains and transit, expand the regional rapid transit network, increase rail capacity, coordinate rail investment around transit-friendly communities and businesses, and identify functional and institutional consolidation opportunities. The plan also includes a detailed analysis of potential high-speed rail routes between the Bay Area and the Central Valley consistent with the Authority's environmental review of the proposed rail lines. Overall, the plan looks at improvements and extensions of railroad, rapid transit, and high-speed rail services for the near term (5–10 years), intermediate term (10–25 years), and long term (beyond 25 years). The Regional Rail Plan is intended to create a rail network that addresses the anticipated growth in transportation demand and help deliver the long-range vision of rail for the Bay Area.

Funding priorities established by state and local governments have and certainly will continue to influence the focus of and implementation of this regional rail plan into the future.

See also Response to Comment L003-44.

**I006-4**

The commenter's summary of comment issues is noted.

**I006-5**

See Standard Response 1 regarding the purpose and scope of the 2010 Revised Draft Program EIR Material. The commenter requests an extension of the 45-day comment period provided for this document. Consistent with CEQA requirements, the Authority has provided a 45-day public comment period under CEQA, from March 11, 2010, to April 26, 2010. The Authority has not extended the comment period beyond April 26, 2010, however, the Revised Draft Program EIR Material has been publicly available since March 4, 2010, a week before the official 45-day public comment period commenced on March 11, 2010. The document has therefore been available to the public for a total of 52 days. Two public meetings were held on April 7, 2010 in San Jose to receive comment on the Revised Draft Program EIR Material. In addition, public meetings were held throughout the study area on the 2007 Draft Program EIR. On March 22, 2010, the Authority went beyond the requirements and made the Bay Area to Central Valley HST Revised Draft Program EIR Material References available through the Authority's website.

**I006-6**

The comment states that the Court in the Town of Atherton case did not address the ridership model and suggests that this is due to the fact that the Court and the public had no information to indicate any problems with the model. The comment has not accurately characterized the Town of Atherton ruling, which includes the following: "The Court finds that the EIR provides an adequate of HSR operations, supported by substantial evidence. The ridership forecasts were developed by experts in the field of transportation modeling and were subject to three independent peer review panels." (Ruling, pp. 7-8.) The Authority also disagrees with the characterization that new information exists that was not available

previously. The ridership and revenue forecasting model was developed for a public agency, the Metropolitan Transportation Commission, and it has been available to the public since 2007, including all components of the model. The model has provided a robust tool for forecasting ridership and identifying certain of the environmental impacts in the Program EIR. See also Standard Response 4.

#### **I006-7**

The Authority acknowledges the concerns expressed by individuals, organizations, and local governments along the San Francisco Peninsula. The alignment alternative identified in the 2008 Final Program EIR for the Caltrain Corridor is identified as involving shared track operations where HST would share track with Caltrain commuter trains. A detailed discussion of coordinated Caltrain/HST operations is beyond the scope of the Program EIR because it is dependent on more detailed, project-level design for the corridor and the planned operations of the two passenger services. Authority staff believe the Revised Final Program EIR contains an appropriate environmental analysis that fully complies with CEQA. See also Standard Response 10.

#### **I006-8**

See Response to Comment I003-17. The HST would be designed to have fully grade-separated tracks with state-of-the-art safety, signaling, and automated train control systems to minimize the potential for derailment. The Authority would build upon the extensive experience of HST operation in other countries. Future HST Operations Plans will include emergency response measures. FRA regulations also address safety concerns, and this system would comply with those regulations.

#### **I006-9**

While views from the HST train are important, numerous other factors must be taken into consideration for selection of a preferred HST alignment. See Standard Response 10.

#### **I006-10**

Caltrain has stated that their future as a viable commuter rail system is dependent on funding associated with the HST. CHSRA coordination with Caltrain will assist with realizing critical improvements to the Caltrain system in conjunction with the implementation of the HST. In addition, Caltrain would benefit from the creation of a fully grade-separate right-of-way, allowing trains to operate more safely by eliminating at-grade traffic and pedestrian crossings.

The PCJPB owns the Caltrain right-of-way from San Jose to San Francisco. The Authority and PCJPB have negotiated a memorandum of understanding (MOU) to work together on the corridor and to develop a "single vision" for the corridor moving forward into the future. The MOU was approved by the California High Speed Rail Authority Board on March 5th, 2009. The PCJPB approved the MOU on April 2nd, 2009.

The purpose of this MOU is to establish an initial organizational framework for CHSRA and PCJPB to engage as partners in the planning, design and construction of appropriate improvements in the Caltrain Rail Corridor to accommodate both the near-term and long-term needs of the parties. As work on the HST system proceeds, it is expected that the MOU will be amended or replaced in order better to address the specific roles and responsibilities of the parties.. Also see Standard Response 10.

The precise alignment and profile options for the HST system will be further evaluated and refined as part of the preliminary engineering and project-level environmental review and will include trench and/or tunnel concepts in sensitive areas or where it is an appropriate and necessary design option for the network alternative that is ultimately selected by the Authority for further evaluation. Available right-of-way, impacts on adjacent communities and costs will be among the factors considered as part of this review.

#### **I006-11**

Under its enabling legislation and Proposition 1A, the Authority is tasked with constructing and operating a HST system in California

and intends to follow this mandate. Comment acknowle

## Comment Letter I007 (Cheryl DeCook-Morgan, April 23, 2010)

I007

Kris Livingston

**From:** cdecocookmorgan@aol.com  
**Sent:** Friday, April 23, 2010 1:35 PM  
**To:** HSR Comments  
**Subject:** Comments on Bay Area to Central Valley Revised Draft Program EIR  
**Attachments:** High Speed Rail letter.docx

79 Snowden Ave.  
 Atherton, CA 94027

April 23, 2010

Dan Leavitt  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to ask you to please consider routing alternatives for the High Rail train tracks. The Peninsula in the San Francisco Bay area is not a good location for fast trains to travel through. There are so many quaint quiet communities that would be impacted. Businesses would need to close or relocate, many of them small business owners. Hundreds of homes are next the train tracks and the increased noise and vibration would make it undesirable for home owners to enjoy a quiet meal or a proper nights rest. Many majestic heritage trees are living along the existing Cal Train tracks but would be killed if the tracks were made wider.

I believe the law requires the Authority to do a more thorough investigation of routing alternatives. It would be more appropriate to have the train run along side a major freeway like Highway 101 or 280. I kindly request you to revise the Draft EIR, and then again circulate a Revised Draft EIR for further review and comment by the public. The draft should study the following alternatives:

- Ending the High Speed Train in San Jose
- Highway 280 corridor
- Highway 101 corridor

I live in Atherton, at the address shown above. The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause negative impacts to me, my family, my neighborhood, and to the natural environment. The impact would be increased intensity and frequency of noise and vibration. The trees, vegetation and wild animals would also suffer.

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above in all communities along the Peninsula. The California Environmental Quality Act (CEQA) requires the Authority to identify ways to eliminate or mitigate these impacts to the degree feasible. You should redesign the project to include measures to achieve that legal requirement or choose a different alignment or project alternative that will have that effect. Please redo the current Draft and then circulate it for additional public view.

Thank you for taking my comments and concerns in to account, as the California Environmental Quality Act requires.

Sincerely,

Cheryl DeCook-Morgan

Dear Dan Leavitt:

I am a United States citizen living on the San Francisco Peninsula and have great concern on this topic. Please read the attached letter regarding the Bay Area to Central Valley Revised Draft Program EIR. I appreciate your attention and consideration to this subject.

Sincerely,

Cheryl DeCook-Morgan

I007-1

I007-1  
cont.

I007-2

I007-3

I007-4

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**Comment Letter I007 - Continued**

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Thank you,

Cheryl DeCook-Morgan

Enclosure 3

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**Response to Letter I007 (Cheryl DeCook-Morgan, April 23, 2010)**

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**I007-1**

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. More detailed analyses related to impacts on businesses and residences including noise and vibration as well as impacts to heritage trees during construction and operation will be performed during the project-level EIR/EIS analysis, when more detailed design and location information will be available.

**I007-2**

The commenter states that the HST should be put alongside major freeways. The Authority looked at alternatives alongside transportation facilities including highways, roads, and railroads to minimize potential impacts as part of the program-level environmental documents. See Figure 3-1 in the Revised Draft Program EIR Material which shows the relationship to existing freeway, highway, and rail corridors.

See also Standard Response 10 regarding alternatives.

**I007-3**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural

environment, communities, and neighborhoods when it makes a new decision. More detailed analysis of potential noise and vibration, trees, vegetation, and wildlife impacts will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement, and alignment variations will also be further considered. Also see Standard Response 5.

**I007-4**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

## Comment Letter I008 (Kenneth A. Fox, April 25, 2010)

**Kris Livingston**

**From:** Ken Fox [kennethfox@comcast.net]  
**Sent:** Sunday, April 25, 2010 8:46 PM  
**To:** HSR Comments  
**Subject:** Attn: Bay Area to Central Valley revised Draft Program EIR Material comments

From: Kenneth A. Fox  
 50 Mount Vernon Lane, Atherton Ca. 94027

April 25, 2010

To: Dan Leavitt  
 California High Speed Rail Authority  
 925L Street, Suite 1425  
 Sacramento, Ca 95814

Dear Mr. Leavitt:

Let me introduce myself as a starting point. I have lived at my present address in Atherton for over 20 years, and on the Peninsula since finishing graduate school at UC Berkeley in 1969. There are two (one acre) house lots separating me from the Cal Train tracks, so I qualify as someone who knows the area and also is going to be adversely impacted by this HSR project.

The EIR and its revised draft do not begin to address the environmental impact of this project, unless you do not consider these communities and their residents as part of the environment. It must be redone in a much more thorough manner, and a route cannot be chosen until that is done.

In my opinion the report is nothing more than a justification for choosing the most expedient route - the path of least resistance.

Imagine for a moment that there were no Cal Train route. If the HSR were to run down the Peninsula, it would most likely be situated along highway 101. The Cal Train route works for Cal Train because it is a relatively slow speed train that can run on the surface. It goes through the center of communities because it stops at each and serves the residents. Putting an elevated 100 mph train through these communities will fundamentally change the environment.

1. FREQUENCY: A Cal Train passes through every half hour on the average. If one is to believe Quentin Kopp, a train will leave SF every 5 minutes. A high speed train would pass every two and a half minutes.

2. NOISE: Nothing in the report discusses the noise impact relative, say, to Cal Train.

3. VIBRATION: Same as above. I doubt any measurements have been made.

4. DISRUPTION DURING CONSTRUCTION: It is hard to imagine either the magnitude or time to complete. Why are you not telling us.

5. ELEVATED TRACKS: Apparently the alternative of choice, at least for you, not for us. It will divide these communities in half. While the elevation will be safer, it will facilitate sound projection, adversely affecting a much wider swath than Cal Train. It is also going to be ugly. Your report does not discuss a tunnel.

6. PROPERTY VALUES: While the popular view of these communities is that we are privileged, that seems to mean we are given little consideration. Most of us have lived here for a long time and contributed heavily to the local communities and economy. For example, my house is worth more than five million. My wife is already talking about selling. If we don't, and the train goes through here, we will lose at least a couple million. So will all of our neighbors. I suspect your only compensation will be for the properties you seize (at much less than market value). The rest of us will just take the hit.

7. BENEFITS: We peninsula residents will have to drive just as far to take the train as we do to take an airplane. The HSR will do nothing to reduce congestion on the peninsula.

I could go on, but my point is that the EIR effort is very superficial. Some of the peninsula communities asked for the revision, yet you gave them little. I think you are rushing through this to qualify for federal funds. That is not acceptable for a project that will cost way more than the present estimates.

Sincerely, Kenneth A. Fox

I008-9

I008-10

I008-1

I008-2

I008-3

I008-4

I008-5

I008-6

I008-7

I008-8

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**Response to Letter I008 (Kenneth A. Fox, April 25, 2010)**

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**I008-1**

Comment about being a neighborhood or local expert is acknowledged. The Authority disagrees that impacts and mitigation measures were not properly investigated. The current Revised Draft Program EIR Material is part of a first-tier, programmatic environmental review process examining the impacts of 21 network alternatives at a broad level of detail. More detailed analysis of potential environmental impacts will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement, and alignment variations will also be further considered.

**I008-2**

The Superior Court in the Town of Atherton case held the Authority has substantial evidence supporting the elimination of U.S. 101 alignment alternative from study in the 2008 Bay Area to Central Valley Program EIR. See Appendix A of the 2010 Revised Draft Program EIR (page 19). The Authority and the FRA considered a potential HST alternative along U.S. 101 between San Francisco and San Jose as part of the Statewide Program EIR/EIS process and the Bay Area to Central Valley Program EIR/EIS process. The U.S. 101 alternative was screened out from further study in the program environmental documents for practicability reasons. The Authority and FRA revisited this alignment alternative as part of the alternatives screening for the project level environmental documents. The alternatives analysis affirmed the previous conclusions that this alternative was not practicable.

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening

for project-level environmental documents can be found on the Authority's website. See also Standard Response 2.

**I008-3**

The current infrastructure, with a fully signaled and electrified system, will support up to 12 trains per hour per direction of combined Caltrain and HST service. As the level of demand increases, certain locations will need to be expanded to three or possibly four tracks to support more frequent service levels, especially during peak travel times. The HST system is planning for 10 HST trains per hour per direction and another 10 Caltrain trains per hour per direction during the peak hours.

Detailed operational analysis is currently under development for the joint use corridor, serving Caltrain, HST and freight trains.

**I008-4**

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. See Standard Responses 3 and 5.

**I008-5**

As discussed in the Response to Comment I008-4, the HST environmental document is a program-level document. More detailed information and analysis of vibration impacts and mitigation will be included in project-level EIR/EISs.

**I008-6**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts at the program level including temporary construction areas and removal of landscaping. Specific locations of temporary construction areas and



## Bay Area to Central Valley High-Speed Train Revised Final Program EIR

analysis, including a detailed evaluation of impacts, will be part of subsequent project-level EIR/EISs.

In its December 2009 Business Plan Report to the Legislature, the Authority identified that the HST project could enter into construction in 2012, with revenue service beginning in 2017, or earlier, and be complete by 2020. See the Authority website: <http://www.cahighspeedrail.ca.gov/news/FactSheetBusinessPlan.pdf>.

### **I008-7**

See Response to Comment 1039-1. See also Standard Response 5.

### **I008-8**

See Standard Response 6 regarding property values.

### **I008-9**

On the contrary, HST service will attract some long-distance trips from major roadways thereby leading to an overall improvement in traffic conditions in the region. See Table 3.1-2 of the Bay Area to Central Valley HST Program EIR/EIS for trip diversions from intercity

## Response to Comments from Individuals

freeways to HST. More detailed analysis including traffic volumes and Level of Service on major roadways will be included in the project-level analysis. See also Responses to Comments O004-11 and I009-15.

### **I008-10**

We disagree that this document is superficial or that the Authority is rushing the process to qualify for federal funding. The Authority started its Bay Area to Central Valley program EIR/EIS in 2005. The document was intentionally crafted using CEQA and NEPA tiering provisions to allow for a general evaluation of how to connect the high-speed train system between the Bay Area and the Central Valley. While program environmental documents have less detail than project-level documents, they are appropriate tools to serve the decision making process involved here. The Revised Draft Program EIR has been recirculated to respond to the court judgment in the Town of Atherton case and to reach a conclusion to a process that has been ongoing for five years.

## Comment Letter 1009 (William C. Grindley, April 23, 2010)

1009

APR 26 2010

**William C Grindley**  
**151 Laurel Street, Atherton, CA 94027**

Mr. Dan Leavitt ~~April 12, 2010~~ 23 April 2010  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

**Subject: Comments Regarding the Bay Area to Central Valley, Revised Draft Program EIR Material, dated March 2010**

Dear Mr. Leavitt: These comments are filed with the Authority in recognition of the gravity of the proposed high-speed rail's impact on communities along the SF-SJ Peninsula corridor.

**General Comments On The Draft Revised EIR** – Once again, the Authority succeeded in not seriously looking at Bay Area alternatives other than the Peninsula corridor. This has to be challenged.

The revised EIR also succeeds in not defining what low, medium or high impacts mean. The EIR pay the EIR consultants, not some independent body, and set the unknown definitions and rules. This is too nepotistic for a project of such magnitude.

**A Bias Against Including Oakland** – To paraphrase Gertrude Stein, there is a there called Oakland. Oakland's population was asked to choose whether they wanted a statewide system in 2008, but they weren't told they were to be excluded because the basic criteria for the HSR were to serve San Jose and San Francisco.

**The Costs Of Getting To There versus Only Serving SF and SJ** – Another continued bias in the revised EIR is the Authority's willingness to selectively include the costs of HSR getting to Oakland in order to exclude an East Bay –oriented solution. For example, in Item 9 of Table 5-2 we find that the Peninsula corridor cost 'only' \$12.58B. This is a false comparison since no access to Oakland is included. However, when the costs of the Transbay tunnel, cited at \$4.6B on page 7-13 (first paragraph) and the costs of the Transbay Terminal ( page 7-24, last paragraph, "... results in approximately 400 million in additional costs for the Transbay Transit Center station alternative.") are added into the costs of the SJ-SF via the Caltrain corridor (\$14.47B), the total costs of getting HSR to all three Bay Area cities (Oakland, SF and SJ) is \$19.407B. That's nearly \$5B more to come up the Peninsula and cross the Bay, making the real solution to serving all three cities considerably more.

Page 1 of 8

The MTC seems complicit in this approach, as on page 7-16 (end of paragraph 4) when it says "the MTC preference for Altamont includes an ultimate connection to Oakland from San Francisco via a new Transbay tube." In short, MTC really wants an Oakland-SF connection; but doesn't demand such cost comparisons of the Authority. Cost comparisons are manipulated to have the least cost option be the CalTrain corridor.

1009-4  
cont.

**Page-By-Page Analyses** – The following challenges the false logic, spurious reasoning and bias in the Revised Draft EIR (March 2010)

**Page 3-1 paragraph 4 and 5** – Citing the UPRR July 2008 "letter indicated its support for high-speed rail . . ." However, in the center of paragraph 5, it says "UPRR's concerns pertain . . . and to its freight easement on Caltrain's rail tracks between San Francisco and San Jose." How can UPRR support high-speed rail and yet simultaneously be concerned? This duality is highlighted on page 3-9 (paragraph 2) when it says of UPRR's statements "... the land use impacts of HSR alignments remain significant under CEQA."

1009-5

**Page 3-3, paragraph 4** – Perhaps there is compatibility with PCJB right-of-way; but that does not mean there is compatibility between high-speed rail and local land uses. A *non sequitur* is used to justify keeping the compatibility conclusion unchanged.

1009-6

**Page 3-3, paragraph 5** – The same *non-sequitur* device is used to keep property impacts between low and medium by saying basically that since Caltrain is already here, it's OK to have high-speed rail.

1009-7

**Page 3-4, paragraph 5** – "... it is likely that HST would be built at grade." I thought there was a federal regulation requiring all high-speed rail to be grade separated. This phrase is repeated in paragraph 1 on page 5-2 "... is assume to be a mix of at-grade . . ." It is repeated again on page 6-2 (last paragraph) when it says "... property acquisition would be required for a 4-track at-grade alignment . . ."

1009-8

**Page 3-5, paragraph 1** – How can high-speed rail take part of a highway's right of way. Where does California's DOT stand on this issue?

1009-9

**Page 3-7, paragraph 7 (last)** – By saying of Fremont and the Dumbarton alignment, "This area is densely developed along the UPRR right-of-way . . ." and not acknowledging the same densely developed properties along the CalTrain corridor, is where the bias of the authors in ranking the impacts stands out most. How does one similar residential, adjacent area only rate a low property impact (Peninsula corridor communities) and another have high property impact (Fremont)?

1009-10

Page 2 of 8

Comment Letter I009 - Continued

**Page 5-2, paragraph 1** – The document acknowledges narrow Caltrain right of ways in eight Peninsula cities. Yet the document contends that property impacts (from those narrow right-of-ways) are low. Isn't that a contradiction?

I009-11

**Page 5-2, paragraph 1** – The potential acquisition costs of 10 acres for right-of-ways in the eight cities is put at \$16.5 million (2006 dollars). I would demand to see how that was calculated as it seems very low considering not only residential costs along the Peninsula but also the costs of shuttering businesses that would lie within the needed area for the four-track right-of-way.

I009-12

**Page 5-2, paragraph 3** – The "Only the network alternatives that include the San Francisco to San Jose . . . show revisions" This is a clear statement that the Authority did not take other alignments seriously enough to calculate their comparative costs.

I009-13

**Page 5-6, Table 5-2, Revised Table 4.2.3, Item 9** – The authorizing law (AB3034) requires the first sections of the high-speed rail system to be built in sections that cost the least to build. The revised EIR recognizes this when on page 7-8, paragraph 5, last sentence, item 10) it says "less cost for the first phase of the system between the Bay Area and Anaheim".

However, in Item 8 of Table 5-2 we find that the Peninsula corridor cost 'only' \$12.58B. This is a false comparison. The three more expensive solutions; Items 9, 10, and 11, get passengers not only to San Francisco, but also to Oakland; whereas the SF Peninsula solution (Item 8) only gets passengers between San Jose and San Francisco. We need apples-to-apples comparisons to make a judgment of what to build according to the law.

I009-14

When the costs of the Transbay tunnel, cited at \$4.6B on **page 7-13 (first paragraph)** are added into the costs (\$14.47B) of the SJ-SF via the Caltrain corridor, the total costs of getting HSR to all three Bay Area cities (Oakland, SF and SJ) is \$19.07B.

Only by the Authority's election to exclude connecting to Oakland does the SJ-SF via the Caltrain corridor stay the cheapest (\$14.47B vs. \$19.07B). This seems a clear bias to avoid the law's demands and attain what the Authority has inalterably said about its preferred route – up the Peninsula on the JPB right-of-way.

**Page 6-2, Travel Conditions (underlined)** – The claim is that the HST Network Alternative would " . . . reduce existing automobile traffic" The ability of high-speed rail to reduce today's (existing) automobile traffic is questionable.

I009-15

**Page 6-2, Travel Conditions (underlined)** – Here the paper points out that " . . . potentially resulting in significant traffic impacts in the northbound direction . . . " However, on **page 6-6, Travel Conditions**, the claim is that reducing travel lanes on the Monterey Highway from six to four (a 30%

I009-16

reduction) would "slightly increase traffic congestion . . ." On page 6-2 closing lanes is significant, whereas two pages later it is slight.

I009-16  
cont.

**Page 7-8, A. Pacheco, paragraph 5** – In the preceding paragraph the Authority names eight luminaries (including the deceased Tom Lantos) and organizations that support the Pacheco Pass alternative. Then they list 10 reasons why these notables support Pacheco Pass. However, they don't correlate which of these people or organizations support that alternative for which of the one or more of the ten reasons. For example, Congressman Honda might support it because of number 5, that it avoids impacts on wildlife which still opposing it on the nine other points the Authority implies he supports it for. That method is called innocence by association. Just using that example, we find that Congressman Honda also supports the Altamont Pass alternative. Was he asked which of the two he supported or is he just for high-speed rail in general and therefore his opinion is solicited?

I009-17

**Page 7-8, A. Pacheco, paragraph 5** – CalTrain HPB support for high-speed rail is no surprise as they are direct beneficiaries of the project. What is missing in this and every other Authority document is an unbiased sample of how many people who will be impacted by this project support or oppose it.

I009-18

**Page 7-10, C. Pacheco and Altamont** – A logical fallacy is made when the Authority implies that the high-speed rail will help relieve "the two most congested regions in the state". They are correct that SF and LA are the most congested; but the problems are within each of the two regions, not between the regions. By definition a high-speed rail system cannot stop frequently; it couldn't be high speed if it did. A high-speed rail system along the Peninsula corridor that stops at only two places (only Millbrae and Palo Alto or Redwood City are cited in the December 2009 Business Plan) will do little to relieve intra-regional congestion.

I009-19

The same fallacy is made when on page 7-3 (last paragraph) when it states the Authority's mandate should be "coordinated with the state's existing transport network," If the high-speed rail system coordinates with the commuter rail lines, highways and airports, it will fail to be high-speed, thereby discouraging riders to enjoy the benefits of rapid transportation.

**Page 7-10, C. Pacheco and Altamont** – How does a high-speed rail system coming through Pacheco Pass serve Oakland? Or how does it do it without a Transbay Tube if the Altamont's Dumbarton bridge solution is excluded?

I009-20

**Page 7-10, C. Pacheco and Altamont** – How is it that the City of Pleasanton got to set the criteria for considering the Altamont Pass route, as stated in "There is no major aerial structure through Pleasanton" when only now is the Authority starting to 'engage' Peninsula residents in its Context Sensitive Solutions process?

I009-21

**Page 7-11, next to last paragraph** – One of the purposes of the Bay Area HST will be to "relieve capacity constraints on the existing transportation

I009-22



Comment Letter I009 - Continued

system. They can't mean relieving highway capacity constraints, because with only a few stops of the high-speed rail system, few drivers are likely to get out of their cars to take a limited-stop train. And they can't mean the system will relieve capacity constraints on the Caltrain, the BART or the various bus systems, since all these public conveyances operate under their passenger capacity and require annual subsidies to keep them afloat. So what does the Authority mean?

This fallacy is made again on page 7-12 (second paragraph) when it says "including increased connectivity to other transit systems".

**Page 7-12, paragraph 4** – The Authority places its bias squarely when it points out that the Altamont Pass alternative does not "provide interface with the major commercial airports" The Altamont Pass alternative that comes across the SF Bay on a Dumbarton bridge does connect to SFO; and if that alternative spurs north, would connect to the Oakland Airport. Conversely, the Pacheco Pass alternative that uses the Caltrain corridor serves SJC and SFO, but not the Oakland Airport. The bias is clearly towards having the rail system on the western side of the SF Bay.

**Page 7-13, paragraph 3** – "MTC raised certain issues . . . and not recommending an East Bay alignment." I think MTC has a conflict of interest situation here. They are the authors of the deeply flawed ridership model; and simultaneously pass judgment on which corridor to use in the Bay Area. That is being both a supposedly impartial jury (analyzing ridership) and a judge declaring their intent. Doesn't seem to be impartial at all.

**Page 7-13, paragraph 3** – "The capital costs of the East Bay line segment is approximately \$4.9 billion (2006 dollars)." If we are to compare apples-to-apples, shouldn't that \$4.9B be compared with the \$14.47 for HSR to come up the Peninsula on Caltrain right-of-way?

**Page 7-14, paragraph 2** – When did Caltrain agree to "lightweight electrified trains"? Later (paragraph 3 final sentence) we learn that the lightweight system "would be compatible with HST equipment." Was that included in the 2008 EIR?

**Page 7-14, paragraph 2 and later on page 7-25 in the SFO discussion** – Here we see the importance to the Authority of the Peninsula route connecting with SFO. But on page 7-25 two realities occur. First, HSR would only connect to the exiting Millbrae station. That Millbrae-SFO service began several years ago with a Caltrain connection that requires the purchase of a separate ticket, a wait for BART, then a ride to within 100 meters of the International Terminal, and finally a transfer to the SkyTrain system. Recently, riders from the south direction board the BART at Millbrae, ride to San Bruno, transfer to another BART and return to SFO. Whereas a decade ago an air passenger from south of SFO could count on being at the mini-bus connection in 30-35 minutes and SFO in 40-45 minutes, today that trip takes about 2

hours and requires carrying bags from BART up to the SkyTrain. No wonder the system is little used by those from the southern part of the Peninsula.

**Page 7-17, last paragraph** – False ridership numbers breed false conclusions, and the Authority is not above finding the 'right' ridership numbers to justify their project. But here is some reality.

In 2009, combined Acela Express ridership on all segments of the Boston-NYC-PHL-WDC route was 3,019,627, a generation after inception.<sup>1</sup> Acela draws riders from a combined metropolitan population of 28,305,000; about one in every nine residents of its market area.<sup>2</sup>

A decade after proposed CA HSR operations are proposed to begin, (ie. mid-2030) California's statewide population is expected to be 46,444,681.<sup>3</sup> If CA HSR were to achieve in a decade what Acela has in a generation, it would draw 11% of all of California's residents – about 4,954,800 riders.

The Authority's projected figure of 39,300,000 riders in 2030 is nearly 8 times the ridership indicated by what a 46.4 million person market that all of California would represent in 2030.<sup>4</sup>

**Page 7-18, last paragraph** – Why can't we on the Peninsula cry, pout and stomp our feet and tell the Authority to go away? Fremont did. Read this bit in the middle of the paragraph; ". . . and the City of Fremont (which opposes construction of the east-west link through Fremont)." How did Fremont do this? Is Fremont saying it opposes having the high-speed rail coming through Fremont valid criteria to be included in an Environmental Impact Report? If so, let's go on the record as opposing high-speed rail coming through our cities.

**Page 7-20, paragraph 3** – How can the Authority keep putting priority on the Peninsula routing when they readily admit "an Altamont alignment would have higher regional ridership" then go on in the same paragraph to say ". . . an initial phase of the investment in the Peninsula alignment between San Jose and San Francisco would help (emphasis mine) CalTrain, with express/limited stop ridership potential of 6.3 million riders per year in 2030 "high speed rail ready"

First, if we ever needed more convincing evidence that the Authority will traffic no other route than the Peninsula corridor, here it is. And they get to this conclusion by adding a ". . . potential 6.3 million (emphasis mine) per year riders in 2030" to CalTrain. We know that Caltrain's ridership in an essentially built-out area between SF and SJ has remained pretty constant over the past two decades; despite equipment upgrades and increasing the number of trains daily from seven six to ninety six. Caltrain's peak ridership of 39,921 riders per week in 2001 represents 2,075,892 that year.<sup>5</sup> How can Caltrain triple its ridership in twenty years (2.07M to 6.3M) when it has been roughly the same for about the same time?

I009-22  
cont.

I009-23

I009-24

I009-25

I009-26

I009-27

I009-27  
cont.

I009-28

I009-29

I009-30

Comment Letter I009 - Continued

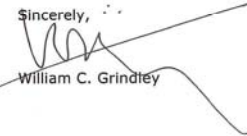
The second convincing argument that the Authority will not, nor did not seriously consider other alternatives is on **Page 7-20, last paragraph**. "The Pacheco Pass alternative serving San Francisco and San Jose termini has the least (emphasis theirs) potential environmental impacts overall while providing direct HSR service to downtown San Francisco, SFO and the San Francisco Peninsula (Caltrain Corridor) and minimizes construction issues which can lead to delay and cost escalation" What happened to HST service to Oakland and the East Bay ? Certainly if the Authority excludes considering serving East Bay, the Peninsula corridor come up first. But wasn't the HST to serve California, not just the SF and SJ interests; that's why lots of people voted for it.

Next, their statement on **Page 7-20, last paragraph** says that SF-SJ service includes SFO. But it doesn't. It serves the Millbrae station and riders from the south have to transfer to BART, with all the inconvenience described in my prior analysis of page 7-25 in the SFO discussion. Then the Authority assumes the cities along the Peninsula have less construction issues than the East Bay route would; yet I have not seen evidence of such a calculation in this Draft EIR.

**Page 7-21, first paragraph** – Again, if the Authority assumes its mission is solely to serve SF and SJ, while excluding Oakland, their statement at the top of the page is correct. But people in Oakland were asked to vote for or against HSR. Would they (and San Diego) have voted for HSR in 2008, if they knew Oakland was not to be included in the proposed routing. That was not made clear in the ballot description of Proposition 1A, nor anywhere in the AB3034 legislation.

**Page 7-22, paragraph 3** – Again, the assertion that this project is built, not to serve the Bay Area, but the SF-SJ cities and two stops along the Caltrain corridor.

Then "Because it utilizes the Caltrain corridor, environmental impacts would be minimized". The assertion is that the 1,900 trees that will be felled, the taking of some of California's most expensive business and residential lands, and the years of disruption are minimal compared with saving the wildlife and plant habitats of the Bay. Perhaps the salamanders and egrets can't speak for themselves, but the Authority is beginning to recognize "considerable city and community concern . ." ( quote from page 7-22, paragraph 4)

Sincerely,  
  
 William C. Grindley

1009-30  
cont.

1009-31

1009-32

End Notes

<sup>1</sup> Source: Table in Amtrak Fiscal Year 2009, Oct. 2008-Sept. 2009 (compared with Fiscal Years 2008 and 2007)

<sup>2</sup> Sources are cited in the table:

Sources are cited in the table.				
Metropolitan Populations & Ridership				
	Population Yr. 2000			
NYC <sup>(1)</sup>	19,712,000			
LA <sup>(2)</sup>	13,829,000			
SF + SJ <sup>(3)</sup>	5,320,000			
Boston <sup>(4)</sup>	4,659,000			
WDC, VA, MD <sup>(5)</sup>	3,934,000			
				% Riders from Market Areas – Real and Projected
Markets - Pops & Riders - Real & Projected	Metropolitan Populations Yr. 2000	Acela <sup>(10)</sup> & CA HSR (2030) Ridership	CA Pop Yr. 2030	
Combined NYC+WDC+Bos Riders	28,305,000	3,019,627		10.7%
Projected Combined SF+SJ+LA Pop & Riders	19,149,000	39,300,000	46,444,681	84.6%
Yr. 2000 East Coast Pops >CA Coast Pops		48% larger than California in 2000		
Yr 2030 CA HSR Riders based on 46.4M Californians		4,954,800		
Yr 2030 CA HSR Riders > Acela Riders w/equal pop		7.93 times actual Acela		
(1) includes Bridgeport, New Haven, Trenton, Danbury and Hightstown				
(2) includes Riverside+San Bernardino + Orange Cos				
(3) includes Concord				
(4) includes Worcester and Nashua (NH)				
(5) includes Baltimore plus Virginia				
Population sources-Demographics: World Urban Areas & Population Projections, 5th Edition, April, 2009				
CA HSR ridership from CA HSR's 2009 Business Plan				
2009 Acela Ridership from Amtrak Fiscal Year 2009, Oct. 2008-Sept. 2009				

<sup>10</sup> Center for Urban Studies: Wayne State University. Source  
[http://www.michigan.gov/documents/hal\\_lm\\_census\\_Projections\\_Kurt\\_122858\\_7.pdf](http://www.michigan.gov/documents/hal_lm_census_Projections_Kurt_122858_7.pdf)

<sup>11</sup> This 46M is all of California's 2030 population, including cities and counties not served by CA HSR by 2030 such as San Diego, Oceanside, Santa Barbara, Ventura, Oxnard, Redding, and Santa Rosa – all cities of 100,000 or more. By including all of California in the calculation suggests that high-speed rail will capture even more ridership than would be only capturing riders in cities and towns along its proposed route. The estimated 5M riders are therefore higher than it would be in a more detail and less Authority-friendly calculation.

<sup>12</sup> [http://www.examiner.com/a-515130-Caltrain\\_ridership\\_booms\\_to\\_record\\_high.html](http://www.examiner.com/a-515130-Caltrain_ridership_booms_to_record_high.html)

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**Response to Letter I009 (William C. Grindley, April 23, 2010)**

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**I009-1**

The 2008 Final Program EIR and 2010 Revised Draft Program EIR Material combined provide a complete and thorough description and evaluation of a “no project” alternative and 21 representative network alternatives for connecting the Bay Area to the Central Valley. Included in this range of alternatives were 11 Altamont Pass network alternatives, 6 Pacheco Pass network alternatives, and 4 Pacheco Pass with Altamont Pass (local service) network alternatives using uniform program-level evaluation methodologies and criteria. Please note that the judgment in the Town of Atherton case did not find fault with the range of alternatives studied in the 2008 Final Program EIR. It merely request clarification of and additional description and evaluation of a portion of the Pacheco Pass Alignment.

**I009-2**

The impact rating system used in the 2010 Revised Draft Program EIR Material is discussed in detail by topic in Chapter 3 of the 2008 Final Program EIR. The 2010 Revised Draft Program EIR Material refers the reader to the methodologies in the 2008 Final Program EIR. The consultants preparing the EIR provide an unbiased analysis of the impacts and mitigation measures and provide the information to the Authority and FRA staff as well as the state and federal attorneys for review.

**I009-3**

Among other factors, the Authority evaluated the ability to serve the three major city centers in northern California: Oakland, San Jose, and San Francisco.

As noted in Chapter 7 of the 2010 Revised Draft Program EIR Material Program EIR: “The Pacheco Pass alternative to downtown San Francisco via the San Francisco Peninsula is preferred because it provides HST direct service to downtown San Francisco, SFO, and the San Francisco Peninsula while minimizing potential

environmental impacts and logistical constraints by maximizing use of existing rail right-of-way through shared-use with improved Caltrain commuter services. The HST is complimentary to Caltrain (which intends to use lightweight electrified trains) and would share tracks with express Caltrain commuter rail services. In addition, this alternative provides direct service to northern California’s major hub airport at SFO and major transit, business, and tourism center at downtown San Francisco, and would enable the early implementation of the HST/Caltrain section between San Francisco, San Jose, and Gilroy.”

This provides direct train service to the two largest city centers in northern California: San Jose and San Francisco. Additionally, the Altamont alternatives serving Oakland would require that HST service be divided with a percentage of the trains serving one city center and the other portion serving another city center, thereby reducing the number of trains serving each. The Pacheco network alternative allows for all HST trains to serve the two largest cities of the three major city centers and two regional airports. Please see Chapter 7 of the 2010 Revised Draft Program EIR Material Program EIR for a full discussion of the advantages and disadvantage of the network alternatives. An ultimate HST extension to Oakland is still possible for a later phase after the proposed system is implemented.

**I009-4**

Please see Response to Comment I009–3. As noted, costs for all network alternatives are presented in the 2008 Final Program EIR. The Final Program EIR therefore allows for a comparison of the costs, impacts, and benefits of each alternative. Numerous factors, including costs, were taken into consideration in the evaluation of the Network Alternatives and the determination of the Preferred Alternative in Chapter 7 of the 2010 Revised Draft Program EIR Material. While direct service to Oakland is considered as part of the Final Program EIR, it is not recommended as part of the preferred HST alternative.



### **I009-5**

The 2010 Revised Draft Program EIR Material included UPRR's July 7, 2008, letter in Appendix C. To clarify, the letter states "UPRR wishes to emphasize that we are not opposed to the concept of high-speed rail nor would we oppose implementation of the project should the voters approve the bond issue in November. Our concern is that the project should not be designed to utilize or occupy any of our rights of way." We do not interpret a duality here. Please see Standard Response 8 and responses to Letter O002 (UPRR).

### **I009-6**

The 2008 Final Program EIR/EIS states that the proposed San Francisco to San Jose: Caltrain corridor would have a "high" compatibility rating because it would be primarily within an active commuter and freight rail corridor. In addition, construction of grade separations where none previously existed would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

### **I009-7**

The 2008 Final Program EIR ranked property impacts along the San Francisco to San Jose corridor as low based on the fact that the alignment would be built mostly within the existing publicly owned right-of-way. The information now available (as reported in the Revised Draft Program EIR Material) indicates a need for limited property acquisition along the right-of-way in narrow areas to allow for a four-track alignment that will accommodate UPRR freight operations. Accordingly, property impacts in this corridor are now ranked between low and medium, rather than low.

### **I009-8**

The HST alignment would be fully grade separated. Where the alignment is proposed to be at-grade in conflict with existing travelways, (roads, bike trails, railroads...) the major travelways would be grade separated by either routing them over or under the at-grade alignment.

### **I009-9**

For the project-level EIR, Caltrans is a cooperating state agency and has indicated its willingness to make available its right-of-way that is not needed for future highway expansion or would not compromise the traveling public's safety.

### **I009-10**

Unlike the Caltrain Corridor with an existing rail right-of-way that can be used for HST tracks, the Fremont alignment would be adjacent to a narrow UPRR right-of-way requiring substantial acquisition of private property. The Fremont alignment is therefore rated as high for property impacts.

### **I009-11**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the 2010 Revised Draft Program EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process. See also Standard Response 7.

### I009-12

See Standard Response 7 regarding Eminent Domain.

### I009-13

As stated in the Revised Draft Program EIR, Table 5-1 (Revised Table 4.2.1) only includes the alignment alternatives by corridor and segment that were revised to reflect revised capital costs. As there were no revisions needed to other portions of the table, including the East Bay to Central Valley Corridor: Altamont Pass alignment alternatives, those portions of the table were not revised. Table 5-2 (Revised Table 4.2.3) does include all the High-Speed Train Network Alternatives Cost Summary to show how the revised alignments impact the capital costs of all network alternatives considered.

### I009-14

Table 5.2 in the 2010 Revised Draft Program EIR Material provides comparative cost for each of the different HST Network Alternatives. These network alternatives, by their very nature, provide service to different intermediate and terminal stations, using different corridors. The comparison of these network alternatives is provided in Section 6 of the Draft Revised Program EIR Materials and Chapter 7 of the 2008 Final Program EIR. The alignments used for the representative alternatives are described in Table 2.5.1 of the 2008 Final Program EIR.

The cost of \$14.47B is for No. A8, SF, SJ and Oakland with no San Francisco Bay Crossing. As this network alternative includes service to Oakland, there is no need for a Transbay tunnel. Furthermore, the commenter is comparing the various network alternatives that use the Altamont Pass whereas the 2008 Final Program EIR recommended the Pacheco Pass for connecting the Bay Area to the Central Valley. Also see response to comment I009-4.

### I009-15

Although traffic volumes on surface streets near HST stations are projected to increase as shown in the program-level traffic analysis, the HST ridership analysis shows a reduction in automobile traffic in

many regional roadways as people shift from autos to HST. It is a logical assumption, and the ridership forecasts bear this out, that people will choose to ride the HST system rather than drive their automobiles for a portion of their longer distance trips. Please see Table 3.1-2: Impacts to 2030 Peak-Hour Traffic on Intercity Freeways from Diversion to HST, Chapter 3.01 of the 2008 Final Program EIR. More detailed analysis including traffic volumes and Level of Service on major roadways will be included in the project-level analysis.

### I009-16

The commenter provided only excerpts for this section. Note that the section states:

"In the northbound direction, degradation of LOS in the evening peak hour by one level of service for four northbound segments between Southside Drive and Capitol (LOS B to LOS C) and between Senter and Blossom Hill (LOS C to E, D to E, and E to F) are anticipated based on the preliminary evaluation of reduction from six to four lanes of Monterey Highway. The other portions of Monterey Highway in the northbound direction are projected to see a slight increase in congestion, with an associated slight reduction in LOS. In the southbound direction, all road segments are projected to operate at LOS E or F. Congestion would decrease for five of the eight segments and an increase in LOS between Bernal and Bailey (from LOS F to LOS E), while the remaining three segments would have a slight increase in congestion."

Given that a more detailed traffic analysis is anticipated for the project-level EIR/EIS, the 2010 Revised Draft Program EIR Material states: "Sufficient information is not available at this programmatic level to conclude with certainty that the above mitigation strategies would reduce impacts for the three northbound segments of a four-lane Monterey Highway to a less-than-significant level in all circumstances. This document therefore concludes that traffic impacts on these segments may be significant, even with the application of mitigation strategies."



**I009-17**

The summary of people supporting or opposing a network alternative was based on the comments received on the Draft Program EIR, which are included and responded to in Volume 3 of the 2008 Final Program EIR. The Authority did not do a poll of citizens or elected officials but rather circulated the Program EIR/EIS for public comment consistent with the requirements of CEQA and NEPA.

**I009-18**

Please see Response to Comment I009-17.

**I009-19**

Please see Response to Comment I009-15. The coordination referred to is the provision of intermodal facilities to that there is connectivity between the HST system and other forms of transportation. The Authority took this connectivity into consideration in the 2008 Final Program EIR – please see the section entitled “Intermodal Connections” in Chapter 3.02: Travel Conditions, and the “travel conditions” information in the tables in Chapter 7. The Authority understands the need to limit the number of stops on the HST system.

**I009-20**

The recommended Pacheco Pass alternative does not provide direct HST service to Oakland. Several Pacheco Pass alternatives with direct service to Oakland were studied as part of the 2008 Final Program EIR (see Chapter 2). See responses to comments I009-3 and I009-4. Oakland and the East Bay would be served by the recommended Pacheco Pass alternative via multi-modal stations in San Francisco and San Jose with connections to BART, AC Transit, ACE and the Capitol Corridor Rail Service as well as by private shuttle services, and the automobile.

**I009-21**

The City of Pleasanton did not set the criteria for the evaluation of the alignments and network alternatives. The evaluation criteria

were established by the Authority as documented in the 2008 Final Program EIR.

**I009-22**

Please see Responses to Comments I009-15 and I009-19.

**I009-23**

The phrase being referred to is referring to only some of the network alternative. Please see Chapter 7 of the 2010 Revised Draft Program EIR Material, which states: “A number of network alternatives clearly do not meet the purpose and need for the HST system. The Altamont Pass network alternative that terminates in Union City fails since it does not provide direct HST service to San Francisco, Oakland, or San Jose (the major Bay Area cities) nor does it provide interface with the major commercial airports. Also failing are a Pacheco Pass network alternative that terminates in San Jose and three Altamont Pass network alternatives that only serve one of the three major urban areas/centers. These four alternatives directly provide HST service to at most only one major Bay Area city and one of the region’s major commercial airports. ” (emphasis added)

**I009-24**

See Standard Response 4 on the ridership model. MTC, as the regional transportation planning agency for the San Francisco Bay Area, developed the ridership model to support its own Bay Area Regional Rail Plan, which considered planning scenarios with and without high-speed rail. We do not agree that MTC has a conflict of interest in providing input to the planning process for HST in the Bay Area region.

**I009-25**

The commenter does not appear to be comparing network alternatives with similar origins in the Central Valley. The cost for Network alternative A8 is for a complete alternative that connects to the Central Valley. The East Bay line referenced only connects Oakland and San Jose via I-880. The alignments used for the

representative alternatives are described in Table 2.5.1 of the 2008 Final Program EIR.

### **I009-26**

Chapter 2 of the 2008 Final Program EIR states:

"The current method of Caltrain operation will reach its maximum capacity in less than 5 years, even with the system improvements previously mentioned. Electrification, which is required for connection to the Transbay Transit Center and to accommodate the HST on the line, presents the JPB with two implementation options to consider, each with fundamental performance differences. The first option is to purchase electrified locomotives to haul standard passenger coaches that currently run on Caltrain. This solution is relatively low risk for the JPB and supports operations to the Transbay Transit Center. However, this solution is problematic for the Authority because standard North American rail equipment is not compatible with HSTs currently in service around the world, and the HST would require high-level platforms."

"The second option for the JPB is to procure electric multiple units (EMUs) that would be compatible with the European or Japanese HSTs that the Authority may select (non-FRA compliant). This option would support operations to the Transbay Transit Center and shared corridor operations with the HST and offer the JPB more flexible trains with better performance characteristics. The JPB has found this solution to be cost effective on a lifecycle basis, but there is greater risk to the JPB in that the Authority, CPUC, FRA, and Union Pacific Railroad (UPRR) must all reach agreement for implementation."

Caltrain began the process of working with the FRA to obtain a waiver allowing operation of lightweight non-compliant EMUs in 2007. (The waiver was obtained in 2010.) The positive results of initial safety testing for non-compliant EMUs was reported in the "Caltrain 2025 Program Information and Findings", March 2008. The European, non-compliant EMUs either met or exceeded the FRA standards.

### **I009-27**

Comment acknowledged. An HST station at Millbrae would provide interconnectivity with the BART and provide a potential future connection with Skytrain.

### **I009-28**

Ridership forecasts are not a topic identified by the Superior Court for additional work to comply with CEQA. We do not agree that the ridership forecasts are false or with the implication that the Authority has justified the project by finding "right" ridership numbers. See Standard Response 4 regarding the comparison to the Acela train.

### **I009-29**

Public comments are summarized in Chapter 7 of the 2010 Revised Draft Program EIR Material. In and of themselves, these comments did not constitute the criteria for selection of a network alternative. The evaluation criteria were established by the Authority as documented in the 2008 Final Program EIR, and the Board took into consideration the evaluation as well as public comments. The Authority acknowledges the commentor's opposition to the HST system in the peninsula cities.

### **I009-30**

The Authority did not exclude consideration of the East Bay or Oakland. Please note that 12 of the 21 network alternatives include Oakland. The underlying reasons for selection of the Pacheco alternative with San Jose and San Francisco termini are detailed in Chapter 7 of the 2010 Revised Draft Program EIR Material. The Authority is pursuing an HST system to serve the entire state. Also see Standard Response 4 regarding ridership.

An HST station at Millbrae would provide interconnectivity with the BART and provide a potential future connection with Skytrain at the SFO Airport. The Authority did not assume that the Peninsula has less construction issues but notes that an existing rail corridor would be used for the HST system.

**I009-31**

The 2008 Final Program EIR was certified in July of 2008, prior to the vote on Proposition 1A.

**I009-32**

Caltrain would serve as a feeder service to the HST stations along the Peninsula. Even if an Altamont alternative were selected, 5 of the network alternatives include HST in some or all of the Caltrain Corridor north of San Jose.

## Comment Letter I010 (James R. Janz, April 26, 2010)

I010

### Kris Livingston

**From:** Janz, James R. [jjanz@sideman.com]  
**Sent:** Monday, April 26, 2010 4:55 PM  
**To:** HSR Comments  
**Subject:** See attached comments.  
**Attachments:** 20100426164549049.pdf

### SJB

James R. Janz  
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*James R. Janz  
 95 Wilburn Avenue  
 Atherton, California 94027*

Dan Leavitt [Sent by Email: comments@hsr.ca.gov]  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

RE: Bay Area To Central Valley Revised Draft Program EIR

Dear Mr. Leavitt:

The purpose of this letter is to submit personal comments on the Bay Area to Central Valley Revised Draft Program Environmental Impact Report. I have served in the past as the mayor of Atherton, California, was a two-term member of the City Council, served 10 years on the Atherton Planning Commission, and am currently a member of the Atherton Rail Committee and president of the Community Coalition on High Speed Rail (CC-HSR).

Please also note that I am a certified urban planner (AICP), am a licensed professional engineer (NY State), and have worked in various planning and engineering capacities for the Federal government and the cities of New York and Los Angeles, and with the cities of Cincinnati and Chicago. For the last 31 years I have been a land use and real estate attorney in the Bay Area. My comments herein are based on my 40 years of professional practice, and well as the proximity of my home in Atherton to the Caltrain corridor.

I010-1

Given my professional background, I support the concept of high speed rail. However, given the lack of adequate planning and the likely costs of the proposed CHSRA project, I cannot support the current proposal. I support the comments submitted on behalf of the Town of Atherton and the CC-HSR, and call for a full and complete re-evaluation of all the possible alternatives to connect the Bay Area to the Central Valley, including, without limitation, the Altamont pass and a San Mateo Bridge or Dumbarton crossing of the Bay, and the US 101 or I-280 corridors, or appropriate combinations thereof (for example, one proposed alignment would be through the Altamont pass, across the Bay near the Dumbarton Bridge, and then up the Peninsula using the 101 corridor). I believe some of the official objections to suggested alignments other than the Caltrain corridor have been made without reasonable analysis in order to simply attempt to meet the letter of the CEQA law, without seriously attempting to meet the goals of CEQA.

Any reasonable evaluation of the alternatives would indicate that the likely outcome of building HSR on the Caltrain corridor will be a significantly-delayed project, which will cost far beyond any current estimates, due to the mitigation costs which will be imposed on CHSRA through the administrative and legal process. The cost of building the system in an environmentally-acceptable manner in the Caltrain corridor will far outweigh any possible additional engineering costs

I010-2

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**Comment Letter I010 - Continued**

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incurred to construct HSR along the 101 or 280 corridors, or even to build a new bridge across the Bay.

I010-2  
cont.

In addition, note that any acceptance of a new Pacheco Pass route which does not include any UP right-of-way, without a re-comparison of the Altamont alternatives (both with and without UP R/W), is simply a violation of CEQA requirements. Once CHSRA decided to pursue a non-UP Pacheco route, the project changed, and CEQA requires that the entire program level route analysis be re-conducted to compare the Altamont alternatives against the new Pacheco route.

I010-3

Finally, I wish to make one additional point which may not have been addressed by others. The proposal to build HSR along the Caltrain corridor includes a complete reconstruction of the Caltrain system – new tracks, grade separations, electrification, new rolling stock – in short, a completely new railroad. The original BART plan was to ring the Bay. There will be no better opportunity to achieve that plan. If the Caltrain system is essentially rebuilt from scratch, it is only reasonable to look at the feasibility at this time of replacing Caltrain with BART. Otherwise, the public is merely throwing good money after bad in support of, at best, a 20<sup>th</sup>-century transportation system.

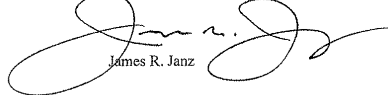
I010-4

Therefore, if, and to the extent, any HSR route uses the Caltrain corridor and includes reconstruction of Caltrain (which it inherently must in order to provide electrification and grade separations), then CEQA requires an evaluation of the BART alternative in place of Caltrain.

One obvious objection will be that BART and HSR will operate with different gauges. That is only an obstacle if the two railroad systems share tracks. I understand that Caltrain proposes just such a sharing of tracks. However, there is no assurance that Caltrain and HSR will be permitted to share tracks. So any analysis must include an alternative without shared tracks, making BART one of the feasible alternatives that must be investigated.

I look forward to your revised analysis of the program level connection to the Central Valley.

Sincerely,



James R. Janz

99998-8141V68615V1

**Response to Letter I010 (James R. Janz, April 26, 2010)****I010-1**

The Town of Atherton comments are responded to in responses letter L020.

The Final 2008 Program EIR and 2010 Revised Draft Program EIR Material combined provide a complete and thorough description and evaluation of a “no project” alternative and 21 representative network alternatives for connecting the Bay Area to the Central Valley. Included in this range of alternatives were 11 Altamont Pass network alternatives, 6 Pacheco Pass network alternatives, and 4 Pacheco Pass with Altamont Pass (local service) network alternatives using uniform program-level evaluation methodologies and criteria. Please note that the judgment in the Town of Atherton case did not find fault with the range of alternatives studied in the Program EIR, or require additional study of alternatives dismissed from further consideration.

Some major reasons for the Pacheco Alignment with termini in San Jose and San Francisco was identified as preferred are summarized below and discussed in full in Chapter 8 of the 2008 Final Program EIR. The Pacheco Alignment with termini in San Jose and San Francisco is preferred because it:

- Maximizes the use of existing publicly owned rail right-of-way through shared-use with improved Caltrain commuter services. The HST is complimentary to Caltrain (which intends to use lightweight electrified trains) and would share tracks with express Caltrain commuter rail services. Is supported by the PCJPB (Caltrain).
- Provides direct (all HST trains) service to the two largest cities in northern California – San Jose and San Francisco, including the major transit, business, and tourism center in downtown San Francisco.
- Provides direct service to northern California’s major hub airport at SFO

- Does not require that HST trains be divided into two directions to serve two city centers. Dividing the trains in two directions reduces the number of trains serving the termini stations.
- Provides good HST access for the three county Monterey Bay area with a south Santa Clara HST station;
- Does not involve a new bay crossing and its associated costs and environmental impacts, including impacts to the federal Don Edwards San Francisco Bay National Wildlife Refuge.
- Is the Least Environmentally Damaging Practicable Alternative (LEDPA) as identified by the US EPA and US Army Corps of Engineers.
- Please see Standard Response 10 for a discussion of I-280 and US 101. The proposal for an HST crossing near the Dumbarton Rail Bridge are discussed in Response to Comment O007-22 of the 2008 Program EIR and expanded on in Responses to Comments O012-11 and O012-12 of this document. See also Response to Comment I241-28 regarding the San Mateo bridge.

The Authority contends that the combination of the Final 2008 Program EIR and 2010 Revised Draft Program EIR Material meet the intent and requirements of CEQA.

**I010-2**

The Authority does not intend to base its decisions regarding a preferred alternative based on the likelihood of legal challenges. The Authority is fully aware of the legal rights for administrative and legal challenges, not only from the Caltrain Corridor but other areas of the state. Mitigation measures developed for the HST system along the Peninsula, and for that matter statewide, will be developed to mitigate the impacts identified in the project-level EIR/EIS, consistent with NEPA and CEQA. The ultimate selection of a preferred alternative is based on a number of factors including benefits and impacts rather than strictly bridge or engineering costs.



### **I010-3**

The Authority disagrees with the comment. The proposed project has not changed. The purpose of the 2010 Revised Draft Program EIR Material was to address the land use and property impacts of the alternatives in the 2008 Final Program EIR if UPRR right-of-way is not available. Chapter 3 of the Revised Draft Program EIR Material identifies those impacts for both Pacheco and Altamont alternatives. The Program EIR explains that the study areas for other resources was sufficiently broad that the 2008 Final Program EIR adequately discloses the impact of being either within or adjacent to UPRR right-of-way.

### **I010-4**

The 2008 Final Program EIR and 2010 Revised Draft Program EIR Material combined provide a complete and thorough description and evaluation of a “no project” alternative and 21 representative network alternatives for connecting the Bay Area to the Central Valley. An evaluation of additional alternatives does not appear warranted or necessary.

The Authority notes that the Draft and Final Program EIRs evaluated alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco

via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus. These Network Alternatives would allow for a BART Alternative north of San Jose subject to environmental review and funding.

That said, among the issues that would need to be addressed for BART to replace Caltrain are:

- As with the HST Alternative, BART, would need to be fully grade separated via a tunnel or aerial configuration or construction of additional grade separations for cross streets due to its third rail.
- Tracks would still need to remain for Union Pacific’s freight service.
- San Mateo and Santa Clara Counties are not in the BART district, so a vote would be needed in each county to approve the plan and funds for on-going operations.
- Station facilities for BART are much more elaborate than Caltrain facilities, requiring additional property acquisition at station locations.

## Comment Letter I011 (Paul S. Jones, April 22, 2010)

<p style="text-align: center;">Paul S. Jones 99 Moulton Drive Atherton CA 94027</p> <p style="text-align: center;">April 22, 2010</p> <p>California High Speed Rail Authority 925 L Street, Suite 1425 Sacramento, California 95814</p> <p>Subject: Comments on Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report Material</p>	<p style="text-align: center;">1011</p> <p style="text-align: center;">APR 22 2010</p>	<p>most certainly take longer than 2 hours, 40 minutes. Thus, at best, the additional riders from Alameda and Contra Costa counties would be a temporary boost until the high speed rail line to Oakland can be completed.</p> <p>Particularly in California, with minimal public urban transportation service, high speed rail competes primarily with air travel, not with automobile travel. One would then expect to be able to compare HSR ridership with airline patronage. Using figures from your EIR, airline boardings in 2005 at SFO for LAX amounted to a little more than 8 thousand passengers per day. This number has declined since 2005 because of the economic downturn and advances in communication technology. It is unrealistic to expect travel between San Francisco and Los Angeles to grow at the rate suggested in the EIR. It is not even certain that the California population will grow as CHSRA expects. It is also unreasonable to expect HSR to capture all of the San Francisco to Los Angeles airline traffic. Therefore, as some experts have predicted, the HSR boardings in San Francisco may not exceed 5,000 per day as late as 2030.</p>	<p>I011-2 cont.</p> <p>I011-3</p>
<p>Dear Ladies and Gentlemen:</p> <p>After a very careful review of your "Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report Material" (EIR), I find that your material is both incomplete and seriously flawed. The purpose of this letter is to communicate my concerns to you so that you might completely rewrite the Program Level documents in order that they might stand up to careful scrutiny.</p>	<p>I011-1</p>	<p>If, in fact, ridership does not exceed 5,000 passengers per day on the Peninsula route, there is no need to build four tracks down the Peninsula. With comparable speeds, all HSR and Caltrain traffic could easily be accommodated by the two tracks that already exist. CHSRA would stand to save a great deal of money and the citizens of the Peninsula would avoid a great deal of environmental damage. With Caltrain and HSR trains operating at comparable speeds, there would be no difficulty in joint operation if station sidings were added at all Caltrain stations to accommodate stopping.</p>	<p>I011-4</p>
<p><b>Ridership Estimates</b></p> <p>The entire San Francisco to San Jose environmental impact report may be in error because the ridership that the high speed rail (HSR) line might reasonably expect is far lower than the estimates produced by the Metropolitan Transportation Commission's consultant, Cambridge Systematics (CS). Although CHSRA is not responsible for the errors in these ridership estimates, the Authority's consultants have used these estimates in their design and environmental work.</p> <p>A large number of expert reviewers have stated that the CS ridership estimates are grossly over stated. Some have called them absurdly high. Even Senator Lowenthal commented publicly that they did not smell right. In fact, the CS estimates are higher than the ridership enjoyed by any existing high speed rail line except the Tokyo to Osaka Shinkansen, which connects two immense metropolitan areas with more than 30 million people each.</p>	<p>I011-2</p>	<p><b>Right of Way (ROW) Requirements</b></p> <p>The Revised EIR states that only ten acres of land need to be taken between San Francisco and San Jose. This appears to be only the land needed to widen the Caltrain ROW to 100 feet in those places where it is narrower. This completely overlooks the land needed for shoofly tracks to keep Caltrain running during construction, land needed for construction access, land needed for staging and construction equipment, and land needed to provide Union Pacific access to its industrial tracks, particularly where there would need to be changes in elevation. Even if these takings were temporary, great environmental damage would be done and some form of damages would need to be paid.</p>	<p>I011-5</p>
<p>It appears that the ridership estimates include a large number of passengers crossing the Bay from Alameda and Contra Costa counties to board HSR in San Francisco. If this is the case, a grave error has been made. These crossings would be temporary because AB3034 requires that CHSRA provide service between Oakland and Los Angeles that requires no more than 2 hours, 40 minutes. A BART or an AC Transit ride to the Transbay Terminal plus a high speed rail ride from San Francisco to Los Angeles would</p>		<p><b>Environmental Damage</b></p> <p>The Revised EIR greatly understates the environmental damage that will be suffered by the Peninsula residents if HSR is built as proposed. Furthermore, the EIR does not adequately describe mitigation means or their potential effectiveness.</p> <p><b>Noise and Vibration</b></p> <p>The court specifically tasked CHSRA to analyze and present detailed information on noise and vibration impacts along the Peninsula. The only noise attenuation offered is the provision of sound barriers. There is no information about the size or location of</p>	<p>I011-6</p> <p>I011-7</p>

## Comment Letter I011 - Continued

these barriers nor is there information about how effective they would be. CalTrans experience with barriers alongside freeways has demonstrated that sound performs in strange and mysterious ways. There is not fix that solves all problems, nor can one depend on a particular solution to mitigate a particular problem.

I011-7  
cont.

Of special concern is the impact of sound and vibration levels on small children. CEQA 21151.4 applies to construction within ¼ mile of any school or other facility that is routinely frequented by children. The EIR identifies only two schools within ¼ mile of the Caltrain ROW, when in fact there are at least 50, and perhaps more. A complete inventory of schools, day care centers, parks, playgrounds, and similar facilities within ¼ mile of the Caltrain ROW needs to be prepared and means addressed to satisfy the CEQA requirements.

I011-8

### Trees

The Peninsula communities are 100 to 150 years old. They are filled with large, beautiful heritage trees. Many of these trees have been planted near the Caltrain ROW as a screen against noise and visual impacts. Any enlargement of the ROW will require the removal of a very large number of these valuable trees. There is no suitable mitigation for these losses except to plant young trees and wait—a long wait. For this reason, great care should be taken to preserve as many of these trees as possible.

I011-9

### Maintenance

High speed rail tracks require much finer alignment and surface quality than conventional tracks. This in turn requires a great deal more maintenance. European and Asian high speed rail lines typically perform their maintenance at night so that train schedules are not interrupted. This is an added environmental hazard to those who live in proximity to the tracks. The Revised EIR has not addressed this problem.

I011-10

### Construction Damage

Construction of the HSR will be a long, dusty, noisy, objectionable process. Much dirt will be moved; much dust will be stirred up and blown across adjacent and distant neighborhoods. A variety of contaminants will also be uncovered. Recent work at Burlingame High School, which is adjacent to the Caltrain ROW, has identified unacceptable levels of arsenic in the Caltrain ballast. The routing of Caltrain trains over shoofly tracks will bring rail noise much closer to many residents.

I011-11

Construction will also have a significant impact on businesses that are adjacent to and on streets disrupted by construction. These impacts and means for their mitigation have not been addressed in the Revised EIR.

I011-12

### Cost

The cost figures presented in the Revised EIR are expressed to six or more significant figures suggesting a level of accuracy far beyond what is available at this stage of the work. It would be a gross error to make any decision on the basis of any of these costs. To wave aside a route alternative because it is too costly is no more than an arbitrary judgment. All of the cost figures that have been presented in the Revised EIR can have errors as great as 50 percent.

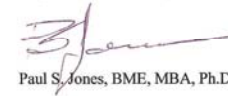
I011-13

### Recommendation

It is my professional judgment that the elimination of route alternatives that have been dropped in the Program Level EIR, both Preliminary and Revised cannot be supported by the quality of the analysis that is presented in the reports. I strongly recommend that CHSRA redo the Program Level EIR in its entirety, beginning with a completely new ridership forecast that is prepared by a new consultant using a different model and new data. The new analysis should include all route alternatives and it should take into account all of the many comments and recommendations that have been generated over the past year.

I011-14

Respectfully submitted,



Paul S. Jones, BME, MBA, Ph.D.

**Response to Letter I011 (Paul S. Jones, April 22, 2010)****I011-1**

The Authority disagrees with the comment that the Revised Draft Program EIR Material is incomplete or flawed or that it needs to be rewritten.

**I011-2**

We do not agree with the comment. See Standard Response 4 regarding how the ridership forecasts are consistent with international experience with high-speed rail. Proposition 1A does not require that a high-speed rail line to Oakland be completed.

**I011-3**

The commenter's statement that "high-speed rail competes primarily with air travel, not with automobile travel" is incorrect. Ridership forecasts prepared for the California HST system illustrate that about 75% of HST ridership is projected to be diverted from automobile travel, with about 15% diverted from air travel<sup>1</sup>.

Forecasts prepared with the HSR ridership and revenue model, and used in the Program EIR/EIS, projected that in-state air travel would grow by 47% over a 30-year period between 2000 and 2030 if HST is not built<sup>2</sup>. Recent work conducted on behalf of the Metropolitan Transportation Commission illustrated that domestic origin-destination (O-D) air travel at the three major Bay Area airports declined at an annual average rate of 1.1% from 2000 to 2008<sup>3</sup>. However, this same report projects that domestic O-D travel at Bay

Area airports will increase from 43.1 million annual passengers to 63.5 million (47%) over a 28-year period between 2007 and 2035<sup>4</sup>. The current *Terminal Area Forecast* prepared by the Federal Aviation Administration projects even higher growth rates at major California Airports, with enplanement growth between 2009 and 2030 at San Francisco International, Los Angeles International and San Diego International of 77%, 82% and 87%, respectively<sup>5</sup>. Accordingly, the air travel forecasts between San Francisco and Los Angeles developed for the Program EIR/EIS are reasonable. Also, consistent population and aviation forecasts were used to develop HST ridership forecasts for all alternatives considered in the Program EIR/EIS.

**I011-4**

The alignment for the Caltrain Corridor analyzed in the Program EIR is a shared-use four-track alignment. A two-track alignment for the Peninsula is not feasible in light of Caltrain's current commuter service, which involves many local stops. Based on program-level information, a two-track alignment would not accommodate all projected HST and Caltrain traffic.

**I011-5**

Because this is a program-level document, the analysis considered the potential for property impacts on a broad scale. Potential project-level impacts on property will be addressed at the project-level. See also Standard Response 3.

<sup>1</sup> *Bay Area/California High-Speed Rail Ridership and Revenue Forecasting Study: Ridership and Revenue Forecasts*, prepared for the Metropolitan Transportation Commission, prepared by Cambridge Systematics, August 2007, Figure 2.3.

<sup>2</sup> *Bay Area/California High-Speed Rail Ridership and Revenue Forecasting Study: Statewide Model Validation*, prepared for the Metropolitan Transportation Commission, prepared by Cambridge Systematics, July 2007, Table 7.8.

<sup>3</sup> *Regional Aviation Forecasts*, prepared for the Regional Airport Planning Committee, prepared by SH&E, Inc, <http://www.regionalairportstudy.com/library/Regional-Aviation-Forecasts.pdf>, March 27, 2009, p. 8.

<sup>4</sup> Ibid, p. 21.

<sup>5</sup> *Terminal Area Forecast Summary – Fiscal Years 2009 to 2030*, Federal Aviation Administration, [http://www.faa.gov/data\\_research/aviation/taf\\_reports/media/TAF%20Summary%20Report%20FY%202009%20-%202030.pdf](http://www.faa.gov/data_research/aviation/taf_reports/media/TAF%20Summary%20Report%20FY%202009%20-%202030.pdf), Table S-1.

### **I011-6**

The Revised Draft Program EIR Material along with the 2008 Final Program EIR address the environmental impacts at a program level of the alignment alternatives, station location options, and 21 network alternatives. These documents also identify mitigation strategies that will be further refined at the project level. See Standard Response 3 regarding subsequent project-level analysis.

### **I011-7**

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. The effectiveness of proposed mitigation will be included in the project-level analysis.

### **I011-8**

As discussed in the Response to Comment I011-7, more detailed information and analysis of vibration impacts and mitigation will be included in project-level EIR/EISs. This analysis will include noise and vibration analysis at sensitive receivers, including residences, schools, parks, and similar facilities. Also see Standard Response 4.

### **I011-9**

The visual assessment in the 2008 Final Program EIR considered the visual impact in Atherton and all along the peninsula. The program analysis of the visual impacts relied on measurements taken from aerial photos. It was determined that the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most all mature trees, if not all, are outside the right-of-way. The Program EIR assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges. The Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way, meaning that trees outside the right-of-way would not be removed, although some trimming would be required for

vegetation intruding on the right-of-way. The trees along the right-of-way would work to screen the visual impact and noise from the project, including any potential soundwalls.

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor can be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Mitigations for preservation of existing trees and other flora will be analyzed and reported at the project level.

### **I011-10**

More detailed analyses will be performed during the project-level EIR/EIS analysis, when more detailed design and location information will be available for the selected HST alignment, and the construction, operation and maintenance of the HST system will be addressed.

### **I011-11**

Construction impacts were discussed in Chapter 3.18 of the 2008 Final Program EIR and mitigation strategies were discussed under the various topics in Chapter 3. More detailed analyses related to dust and noise will be performed during the project-level EIR/EIS analysis, when more detailed design and location information will be available for the selected HST alignment, and the construction, operation and maintenance of the HST system will be addressed. In addition, a mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address



management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I011-12**

Construction and mitigation strategies were discussed in Chapter 3.18 of the 2008 Final Program EIR. More detailed analyses related to impacts on businesses during construction and operation will be performed during the project-level EIR/EIS analysis, when more detailed design and location information will be available for the selected HST alignment, and the construction, operation and maintenance of the HST system will be addressed.

**I011-13**

The Program EIR does not purport to be able to identify all of the detailed costs of each alignment or station location option but rather focuses on identifying and describing key differences between each of the alternatives. More detailed costs will be provided in future project-level environmental documents.

The capital costs developed by the Authority are representative of all aspects of implementation of the proposed HST system, including construction, right-of-way, environmental mitigation, and design and management services. The unit costs for implementing high-speed trains are well known based on foreign experience and from other major construction projects in California – and have been extensively peer reviewed. The costs are provided to facilitate a comparative evaluation of the alternatives.

**I011-14**

The Authority does not agree that the 2008 Final Program EIR needs to be redone. The Final Program EIR in concert with the 2010 Revised Draft Program EIR Material provide thorough descriptions and evaluations at the program level, consistent with CEQA, of a reasonable range of alternatives that enables the Authority Board to make a determination regarding a preferred alternative and certify a new EIR. See Standard Response 4 regarding ridership.



## Comment Letter I012 (Betsy Kehoe, April 25, 2010)

I012

Kris Livingston

**From:** Betsy Kehoe [betsykehoe@me.com]  
**Sent:** Sunday, April 25, 2010 8:48 AM  
**To:** cmckeithen@ci.atherton.ca.us; HSR Comments  
**Subject:** Objection to High Speed rail in Atherton

April 25th, 2010

Dear Mr. Leavitt and the High Speed Rail Authority,

I'd like to comment on the Draft Program Level EIR prepared on the Authority's proposed routing of the system in the SF Bay Area. The current routing (up the CalTrain Corridor) will significantly impact my family, our serene country-like neighborhood, and Atherton in general. I have been following the High Speed Rail direction for the past several years, having been on related committees and attended many related meetings. I am definitely a local expert on the subject.

I012-1

"The Town of Atherton desires, insofar as possible, to preserve its character as a scenic, rural, thickly-wooded, residential area with abundant open space and with streets designed primarily as scenic routes rather than for speed of travel." This is quoted directly from our General Plan. High Speed Rail has no business barreling through our "scenic, rural, thickly-wooded, residential area."

The commonly referred to "Berlin Wall" will literally split our quite little town in half, will be an incredible eye-sore, will depreciate the value of our homes by hundreds of thousands of dollars *per home*, and will greatly diminish the quality of living. This is not NIMBYism...Atherton is one of the only rural areas left in this busy, highly populated peninsula. HSR will ruin it and there will be nowhere for anyone to go who desires this type of unique setting within the peninsula. These are impacts that I personally know will occur, unless an alternative route is chosen.

I012-2

The law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed, without adequate analysis, the use of existing right of ways along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I012-3

I vehemently request that you revise the Draft EIR, and then re-circulate a Revised Draft EIR for further review and comment by the public. The revised Draft should study the following alternative route: ending the High Speed Rail in San Jose. Passengers can easily connect to the recently upgraded Bullet Train which is under utilized and losing millions of dollars.

I012-4

Thank you,

Betsy Kehoe  
[betsykehoe@me.com](mailto:betsykehoe@me.com)

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**Response to Letter I012 (Betsy Kehoe, April 25, 2010)**

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**I012-1**

Comment about being a neighborhood or local expert is acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

**I012-2**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. Also, visual mitigation strategies were included the 2008 Final Program EIR to minimize impacts of the project including using aesthetic treatments, landscaping, and design. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. See also Standard Response 6.

**I012-3**

See Standard Response 10 regarding alternatives.

**I012-4**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

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**Comment Letter I013 (Patricia Kovas, April 20, 2010)**

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**I013****Kris Livingston**

**From:** Patty Kovas [pkovas@hotmail.com]  
**Sent:** Tuesday, April 20, 2010 11:00 AM  
**To:** HSR Comments  
**Subject:** Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr Leavitt and the High Speed Rail Authority,

I urge you to consider the following:

The proposed high speed rail route through the peninsula from San Jose to San Francisco *would definitely* impact my life in terms of noise, vibration, views, business impact, trees and vegetation, homes and safety. I have researched the alternatives extensively and fail to understand why the rail could not end at San Jose and passengers then switch to the baby bullet thereby eliminating the cost and destruction of vegetation and property. With our schools in such dire condition I can not fathom why spending all this money on the rail system between San Jose and San Francisco when there is already an alternative in place (the baby bullet) makes any fiscal sense whatever.

I013-1

I013-2

I013-3

Thanks for your attention.

Patricia Kovas  
6 Maple Ave  
Atherton, CA 94027

The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)

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**Response to Letter I013 (Patricia Kovas, April 20, 2010)**

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**I013-1**

The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified significant impacts at the program level. More detailed information and analysis of impacts and mitigation will be included in project-level EIR/EISs. More detailed analyses related to project impacts during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3 related to project-level detail.

**I013-2**

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus. The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

**I013-3**

Please see Response to Comment I013-2.

Comment Letter I014 (William J. Schroeder, April 25, 2010)

1014

*The Schroeder's Personal Fax*

**Facsimile Transmittal**

Date: 25 APRIL 2010  
Total pages including cover sheet: 4

To: MR. DAN LEAVITT  
CA HSR AUTHORITY  
cc: SENATOR JOE SMITHIAN  
1-650-688-6370  
Fax: 1-916-322-0827  
Phone: \_\_\_\_\_

From: ☐ LEE SCHROEDER  
☒ BILL SCHROEDER  
Phone: 650/326-8908  
Fax: 650/329-8437  
cell: 408-981-7575

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

*My Comments on Bay Area to Central Valley Revised Draft Program EIR Attached.*  
*William J. Schroeder*

96 Mount Vernon Lane  
Atherton, CA 94027-3037

SUN 25 APR 2010

Mr. Dan Leavitt  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR (sent via email to [comment@hsr.ca.gov](mailto:comment@hsr.ca.gov) and via facsimile transmission to 916-322-0827 on SUN 25 APR 2010)

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the High-Speed Train system in the San Francisco Bay Area.

I live in Atherton at 96 Mount Vernon Lane. The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, my community and to the natural environment. These impacts include, but are not limited to, noise and vibration impacts, view impacts, business impacts, impacts on trees and other vegetation, and increased public safety dangers. Many of these impacts could be eliminated, or vastly reduced, by choosing a completely different routing solution.

Having lived at the above address for 19 years, I am a 'neighborhood expert' with respect to the real impacts on my environment and my community of the project that you propose, which impacts have not been properly investigated and mitigated as the law requires. Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant and environmentally acceptable ways:

- Noise, vibration, and visual pollution in the neighborhood will increase exponentially based on information provided thus far by the HSR Authority and based on my experience with high-speed rail in Shanghai, China, thus causing neighborhood bifurcation and subsequent blight in an up-until-now extremely well cared-for community.
- Architectural gems, which are an integral part of Atherton's unique history, will be virtually destroyed or significantly impaired, including---in just my immediate neighborhood---historic and heritage homes dating back nearly a century or more, some designed by the renowned California architect Willis Polk, such as:
  - Nos. 45, 50 & 96 Mount Vernon Lane
  - Nos. 1, 30, 35, 49 & 53 McCormick Lane
  - Nos. 77, 102, 150 & 175 Fair Oaks Lane
  - No. 48 Lloyd Drive
  - Nos. 46, 48 & 54 Marianna Lane
  - The historic Atherton Train Station, Town Hall, & Library.
- Newer, beautifully designed and maintained homes will have their value significantly impaired or destroyed, including on just our small cul-de-sac alone nos. 1, 2, 10, 91 & 97 Mount Vernon Lane

## Comment Letter I014 - Continued

- Large numbers of heritage oak and redwood trees will be destroyed or significantly impaired. 1014-5

- The unique community that Atherton has become, based on two centuries of dedicated investment by multiple generations of caring citizens, will be devastated. [See "Under the Oaks—Two Hundred Years in Atherton," by Pamela Gullard and Nancy Lund; Scottwell Associates, San Francisco, CA 2009.] 1014-6

- Property values in one of the most desirable real estate sections in the country, i.e., the San Francisco Peninsula in general and Atherton specifically, will be substantially impaired. [*"Atherton, Calif. (94027) is the nation's second most expensive ZIP code with a median asking price of \$3.85 million". Source: "America's Most Expensive ZIP Codes," by Francesca Levy, www.Forbes.com, August 27, 2009, based on real estate statistics provided by Altos Research, a national real estate data collection and research firm that tracks over 15,000 ZIP codes.*] With the current HSR proposal, now thrust into the public domain over the past year by the HSR Authority publicity program, that contemplates using the Caltrain alignment, we have seen during that same period the value of our own home, close to the Caltrain alignment, decline on the well-regarded online home appraisal website [www.Zillow.com](http://www.Zillow.com) from \$6.2 million on May 1, 2009 to \$3.25 million on April 1, 2010 (a 48% decline), compared to a decline from \$3.65 to \$2.74 million (25%) for the average home in Atherton as a whole, according to Zillow.com, and compared to only a 19% decline in property values in Woodside, a neighboring town with similar demographics but more removed from the Caltrain alignment. 1014-7

- In an example of how the HSR Authority's proposed alignment is affecting our community, one of our Atherton neighbors, at 101 Fair Oaks Lane bordering on the Caltrain alignment, was unable to sell their home and that home is now vacant and Bank Owned. According to Zillow.com, the value of this home plummeted from \$4.13 million on May 1, 2009 to \$2.64 million on April 1, 2010—and today it is listed for sale by the bank at \$1.73 million. A foretaste of what is to come up and down the San Francisco Peninsula if the HSR Authority persists with its proposal to use the Caltrain alignment! 1014-8
- Property tax collections in the affected San Francisco Peninsula bedroom communities will decline right along with the value of the properties impacted by the high-Speed Train, further straining an already grievously strained fiscal situation for Peninsula residential communities. 1014-9

I believe the law requires the Authority to do a much better investigation into and documentation of the impacts I have described above – and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that same effect.

I request you to revise the Draft EIR, and then recirculate a Revised Draft EIR for further review and comment by the public. The Revised Draft should at a minimum study the following alternative routes:

- Highway 101 corridor
- Altamont Alignment to Highway 101
- Highway 280 corridor

Alternatively, a cost and environmentally effective solution would be to end the High-Speed Train in San Jose and then use Caltrain, Bart and Santa Clara VTA transportation assets to move people to their final Bay Area destinations. I request that this alternative also be studied in your Revised Draft EIR. 1014-10

Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,

  
William J. Schroeder  
Atherton, California



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**Response to Letter I014 (William J. Schroeder, April 25, 2010)**

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**I014-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

**I014-2**

Comment about being a neighborhood or local expert is acknowledged.

The Authority disagrees that impacts and mitigation measures were not properly investigated. The current Revised Draft Program EIR Material is part of a first-tier, programmatic environmental review process examining the impacts of 21 network alternatives at a broad level of detail.

**I014-3**

More detailed information and analysis of noise, vibration, visual, and community impacts and mitigation will be included in project-level EIR/EISs. See Standard Responses 3 and 5.

**I014-4**

More detailed information and analysis of cultural resource and residential impacts and mitigation measures will be included in project-level EIR/EISs when more detailed design and location information will be available. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific

resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level.

**I014-5**

The visual assessment in the 2008 Final Program EIR considered the visual impact in Atherton and all along the peninsula. The program analysis of the visual impacts relied on measurements taken from aerial photos. It was determined that the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most all mature trees, if not all, are outside the right-of-way. The Program EIR assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges. The Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way, meaning that trees outside the right-of-way would not be removed, although some trimming would be required for vegetation intruding on the right-of-way. The trees along the right-of-way would work to screen the visual impact and noise from the project, including any potential soundwalls.

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor can be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Mitigations for preservation of

existing trees and other flora will be analyzed and reported at the project level.

**I014-6**

Atherton comprises 4.9 square miles. Caltrain travels approximately three-quarter of a mile across Atherton. Properties adjacent to the railway comprise about 0.04 square miles. It is unlikely the HST would devastate properties adjacent to the Caltrain right-of-way. The right-of-way is approximately the same width as immediately north of Atherton's city limits, where a four-track railway currently exists.

There are potential impacts to the properties adjacent to the existing railway, comprising less than 1% of the area of Atherton, but devastation of the unique community of Atherton, would not occur.

**I014-7**

See Standard Response 6 regarding property values.

**I014-8**

See Standard Response 6 regarding property values.

**I014-9**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

See also Standard Response 10 regarding alternatives.

**I014-10**

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

**Comment Letter I015 (Pat Gruner, April 26, 2010)**

APR-26-10 07:36 PM INTEGRAL RESULTS

6504629892

P.01

**I015**

163 Fair Oaks Lane  
Atherton, CA 94027

April 26, 2010

Dan Leavitt  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

**RE: Comments on Bay Area to Central Valley Revised Draft Program EIR**

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. The Authority's proposed project routing would extremely significant impacts on the San Francisco Peninsula. Impacts would be experienced by me, my family, my neighborhood, and by the natural environment. These impacts include, but are not limited to, noise and vibration impacts, view impacts, business impacts, impacts on trees and other vegetation, and increased public safety dangers. Many of the listed impacts could be eliminated, or vastly reduced, by choosing a completely different routing solution.

I015-1

I believe the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of existing rights of way along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I015-2

I request you to revise the Draft EIR, and then recirculate a Revised Draft EIR for further review and comment by the public. The Revised Draft should study the following alternative routes:

- Highway 101 corridor
- Altamont Alignment to Highway 101
- Highway 280 corridor
- Ending the High Speed Train in San Jose

I015-3

Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Sincerely,

*Pat Gruner*

Pat Gruner

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**Response to Letter I015 (Pat Gruner, April 26, 2010)**

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**I015-1**

The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified significant impacts at the program level. More detailed information and analysis of impacts and mitigation will be included in project-level EIR/EISs. More detailed analyses related to project impacts during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3 related to project-level detail.

**I015-2**

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I015-3**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA. See also Standard Response 10 regarding alternatives.

**Comment Letter I016 (Tom Holt, March 12, 2010)**

I016

**Kris Livingston**

**From:** Tom Holt [tom@surfmax.com]  
**Sent:** Friday, March 12, 2010 5:30 PM  
**To:** prp@caltrain.com  
**Cc:** HSR Comments  
**Subject:** Re: California High Speed Train Update

Regarding the Revised Draft March 2010 EIR -- a couple of comments (perhaps seemingly minor, but these reflect on the sincerity of the HSRA to \_really\_ involve/communicate with the community as alleged by Dominic, Bethany, and Bruce at the Feb meeting at the Menlo Park Council Chambers).


1. The two scheduled Public Meetings are being held in San Jose. San Jose is "positive" on HSR -- a view not necessarily shared by folks in the Palo Alto--Menlo Park--Atherton area. A genuine attempt to solicit community input requires that you hold at least one meeting in our area (mid-Peninsula), and that you selected a venue that could accommodate a sizable audience -- say the Menlo-Atherton High School Performing Arts Center (<http://www.thecenteratma.org/?2144Nav=&NodeID=90>) I016-1
2. The PDF (31.5MB) can be run through Acrobat Pro in about 1 minute and the size reduced to 12MB without altering the quality -- thereby making the Draft smaller and thus something more folks will likely download. If sending out an unnecessarily bloated PDF is a reflection of how the project budget might be handled, well... I016-2

Tom Holt  
 Atherton

On Mar 12, 2010, at 3:50 PM, Peninsula Rail Program wrote:

You're receiving this email because of your relationship with the California High Speed Rail project. Please [confirm](#) your continued interest in receiving email from us.

You may [unsubscribe](#) if you no longer wish to receive our emails.

<b>Revised Draft Program EIR</b>		<b>March 2010</b>
		
<p><b>In This Issue</b></p> <p>Revised Draft Program EIR Public Comment Period</p>	<p><b>CALIFORNIA HIGH-SPEED TRAIN UPDATE</b></p>	

1

**Quick Links**

[California High-Speed Rail Authority](#)  
[Caltrain](#)

The California High Speed Rail Authority wanted to let you know that the 45-day public comment period has begun on the "Bay Area to Central Valley Revised Draft Program Environmental Impact Report" (which is available at [www.cahighspeedrail.ca.gov/library](http://www.cahighspeedrail.ca.gov/library)), as part of the environmental review process for California's high-speed train project.

The California High-Speed Rail Authority in 2007 released the Bay Area to Central Valley High-Speed Train Program Environmental Impact Report/Environmental Impact Statement (EIR/S) that examined the environmental impacts of the proposed high-speed train system connecting the San Francisco Bay Area and Central Valley regions, within the broad corridor between and including the Altamont Pass and Pacheco Pass. The Authority certified the Final Program EIR in July 2008 and selected the Pacheco Pass Alignment Alternative serving San Francisco via San Jose as the preferred network alternative to connect the high-speed train between the Bay Area and the Central Valley. The Authority also selected preferred alignments and station locations to advance for further study in second-tier, project EIR/EISs.

A legal challenge filed in August 2008 resulted in a ruling by a California Superior Court that the Authority's Final Program EIR was sufficient in most respects, however corrective work was necessary in certain areas. The Authority set aside its July 2008 decision and is now taking steps to comply with the court's ruling. The Authority conducted additional analysis and prepared necessary revisions to the Final Program EIR in accordance with the court's ruling.

**How You Can Comment**

The revised material is being circulated for public and agency comment for 45 days beginning March 11, 2010 and ending at 5 p.m. April 26, 2010. In accordance with California Environmental Quality Act (CEQA) Guidelines, the Authority requests that reviewers limit the scope of their comments to the revised materials contained in the Revised Draft Program EIR.

Comments on the Revised Draft Program EIR Material can be sent to the California High-Speed Rail Authority in three ways under the subject line "Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments":

1. U.S. Mail: 925 L Street, Suite 1425 Sacramento, CA

2



**Comment Letter I016 - Continued**

95814, Attention: Dan Leavitt

2. Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)

3. Fax: 916-322-0827

Public Meetings

The Authority will host two public meetings to accept comments on the Revised Draft Program EIR:

**Wednesday, April 7, 2010**

- **10:am to 12:00pm - Sheriff's Auditorium** 55 West Younger Street, San Jose, CA 95110
- **5:00pm to 7:00pm - Board of Supervisors Chambers** 70 West Hedding Street, San Jose, 95113

Visit the California High-Speed Rail Authority's Web Site [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov) to:

- View and download the Revised Draft Program EIR
- Request a printed copy of the Revised Draft Program EIR
- Locate a library near you to review a copy of the Revised Draft Program EIR

Please call the Authority at (916) 324-1541, or check the California High-Speed Rail Authority's Web Site [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov) for more information.

Email us:

[prp@caltrain.com](mailto:prp@caltrain.com)

[Forward email](#)



This email was sent to [tom@surfwax.com](mailto:tom@surfwax.com) by [prp@caltrain.com](mailto:prp@caltrain.com).  
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).  
 Peninsula Rail Program | 799 Seventh Street | San Francisco | CA | 94107



Email Marketing by



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**Response to Letter I016 (Tom Holt, March 12, 2010)**

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**I016-1**

The Authority disagrees that the Peninsula cities did not have the ability to participate in the environmental process. The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Outreach was not one of those topics. Please see Chapter 10, Public and Agency Involvement, in the 2008 Final Program EIR. The scoping activities for the Bay Area to Central Valley HST Draft Program EIR/EIS were conducted between November 15 and December 16, 2005 and included meetings in San Jose, San Francisco and four other cities. The Authority held a total of eight public hearings, including in San Jose and San Francisco to present the Draft Program EIR/EIS and to receive public comments between August 23, 2007 and September 26, 2007.

The Authority has endeavored to provide the broadest possible notice of the 2010 Revised Draft Program EIR Material. Notification was provided in 8 newspapers including the San Francisco Examiner

and San Jose Mercury News. A Notice of Availability and Notice of a Public Meeting postcard was further distributed to over 50,000 individuals identified as part of on-going project-level engineering and environmental studies. The Revised Draft Program EIR Material and a Notice of Availability and of a Public Meetings was also made available to 16 libraries for public viewing. Two public meetings were held on April 7, 2010 in San Jose on the Revised Draft Program EIR. Both of these meetings did not end until everyone had the ability to speak. If the Authority proceeds with a network alternative that involves Atherton at the project level, the Authority will continue its efforts at public outreach in the area.

**I016-2**

Comment acknowledged.

**Comment Letter I017 (Elsa Arata, April 24, 2010)**

**I017**

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**Kris Livingston**

**From:** Elsa Arata [elsa.arata@gmail.com]  
**Sent:** Saturday, April 24, 2010 8:26 AM  
**To:** HSR Comments  
**Subject:** Comments on bay area to central valley revised draft program EIR

Subject: Comments on bay area to central valley revised draft program EIR  
 To: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)  
 Elsa Arata  
 120 Encinal Ave.

Atherton, Ca. 94027

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. The Authority's proposed project routing would cause extreme significant impacts on the San Francisco Peninsula. Impacts would be experienced by me, my family, my neighborhood, and the natural environment.

I017-1

These negative impacts would include, but are not limited to, noise and vibration impacts, view impacts, business impacts, impacts on trees and other vegetation, and an increase in public safety dangers. Many of these negative impacts could be eliminated or greatly reduced, by choosing a completely different routing solution.

I believe the law requires the Authority to do more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of the existing right of ways along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I017-2

I request that you revise the Draft EIR, and then recirculate a Revised Draft EIR for further review and comment by the public. The Revised Draft should study in detail, the following routes. The Highway 101 corridor is already geared for fast travel which is removed from local housing, businesses, and schools. A high speed rail would be much more aligned with highway travel, as apposed to traveling at high speeds thru neighborhoods, small businesses and local schools. High speed travel along an already established freeway system makes nothing but sense. The disruption of years of building would be more feasible and friendly along side a freeway, instead of along side railroad tracks that run thru our small towns and beautiful neighborhoods. The Altamont Alignment to Highway 101 should also be closely studied. It would provide another option that would prove less disruptive to small towns, their businesses, and their families.

I017-3

I live in Atherton, at the above address. The street I live on, Encinal Avenue, runs across the railroad tracks and my house is 5 houses away from the tracks. If the Authority decides to go ahead with the existing plan, my house will be separated from downtown.

I017-4

I will not be able to take a walk down my street to the nursery that occupies the land adjacent to the existing tracks. This nursery has been at this location for almost 70 years. In fact, the nursery will probably have to vacate. It will become part of this mammoth project. The noise level will not be conducive to sitting in my back yard. It will make my park like yard seem like grand central station. I have many heritage oak trees that could be impacted by the pollution. No one really knows the collateral damage from the construction or

I017-5

I017-6

I017-7

existence of the high speed rail. We won't know until it's way too late. There is also an elementary school on Encinal Avenue. It is about a mile from the tracks. Many young children attend this school who live on the other side of the track. They would have to navigate the tracks and a high speed train ?? This train simply does not belong in a neighborhood. The high speed train belongs in an industrial/freeway/open area, not in a well established neighborhoods that dot the San Francisco Peninsula. There are other options. All of them need to be examined. Better now, than regretful later.

I017-7  
cont.

I017-8

I017-9

Thank you for taking my comments into consideration.

Elsa Arata.

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**Response to Letter I017 (Elsa Arata, April 24, 2010)**

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**I017-1**

The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified significant impacts at the program level. More detailed information and analysis of impacts and mitigation will be included in project-level EIR/EISs. More detailed analyses related to project impacts during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3 related to project-level detail.

**I017-2**

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I017-3**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

See Standard Response 10 regarding alternatives.

**I017-4**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that

would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existed would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

**I017-5**

See Standard Response 6.

**I017-6**

See Standard Responses 3 and 5.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. The noise analysis at the project-level will include impacts to residential outdoor use areas.

**I017-7**

As noted in Chapter 3.3, Air Quality and Global Climate Change, the HST project would remove cars off of roadways, enhance local circulation with grade separations, and use electrically-powered trains that would result in an overall improvement of air quality. It is also assumed that Caltrain would switch from diesel-powered trains to electrically-powered trains, so air quality would be improved. During construction, all equipment will be required to meet the latest clean air standards. And, as the project would eliminate all roadway grade crossings, the pollution from cars idling at closed railway crossings to let the train pass would be eliminated. All these elements would reduce air quality emissions.

**I017-8**

See Response to Comment I005-7.

**I017-9**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existed

would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

## Comment Letter I018 (Jack and Nancy Dehoff, April 21, 2010)

I018

1 Mount Vernon Lane  
Atherton, CA 94027

April 21, 2010

Dan Leavitt  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft  
Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. The Authority's proposed project routing would make extremely significant impacts on the San Francisco Peninsula. Impacts would be experienced by me, my family, my neighborhood, and by the natural environment. I can assure you that I can assure you that I am a genuine "expert" with respect to the impacts of the project you propose.

These impacts include, but are not limited to, noise and vibration impacts, view impacts, business impacts, impacts on trees and other vegetation, and increased public safety dangers. Many of the listed impacts could be eliminated, or vastly reduced, by choosing a completely different routing solution.

I believe the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of existing right of ways along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I request you to revise the Draft EIR for further review and comment by the public. I believe either the Highway 101 corridor or the Highway 280 corridor would have less impact on homes and businesses than the currently proposed route.

I live in Atherton, at the address shown above. The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. These impacts have not been properly investigated and mitigated as the law requires.

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

-The noise and vibration impacts will be far worse than those we now contend with from Caltrain (we live about 100 yards from the existing track). Some estimates have suggested that a train (either high-speed or Caltrain) will pass every five minutes. Whether this is accurate or not, the combination of Caltrain and High-speed will be detrimental to the enjoyment of our home. We chose to live in this neighborhood years ago and the idea of increased noise and disruption is repugnant. Vibration is now significant, and we can only imagine how this will be increased with the addition of high-speed rail.

-In the absence of a definite plan we can only guess how the view we now enjoy will be impacted. An ugly wall visible from our home will not only be aesthetically displeasing, but will certainly impact the value of our home and land. As senior citizens we hope to rely on the continued value of our property. If a tunnel is chosen, we will have to live through years of construction. In any event our property will undoubtedly lose much of its value.

-The trees and vegetation that make Atherton unique will be decimated. This area is known for its beautiful vistas and we would hope to keep it that way.

-The public safety issue is a viable and important one. The danger to pedestrians and cars has not been spelled out, although it may be a significant factor.

I believe the law requires that the Authority do a much better investigation of the impacts I have described above - and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

The California Environmental Quality Act (CEQA) requires the Authority to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect. Please redo the current Draft, to respond to the comments I am making and that you receive from others, and then circulate it for additional public review.

Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,

*Jack Dehoff*  
*Nancy Dehoff*  
Jack Dehoff  
Nancy Dehoff

cc: Sen. Joe Simitian  
Sen. Leland Yee  
Congresswoman Anna Eshoo  
Assemblyman Ira Ruskin  
Mayor Kathy McKeithen

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**Response to Letter I018 (Jack and Nancy Dehoff, April 21, 2010)**

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**I018-1**

Comment about being a neighborhood or local expert is acknowledged. The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified significant impacts at the program level. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. More detailed analyses related to noise, vibration, visual, trees/vegetation and impacts on businesses and safety during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3 related to project-level detail.

**I018-2**

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I018-3**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA. Also see response to comment I018-2.

**I018-4**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

**I018-5**

The noise analysis at the project-level will include the cumulative impacts of existing noise sources (such as Caltrain) and proposed noise sources. See Standard Responses 3 and 5.

**I018-6**

The visual assessment in the 2008 Final Program EIR considered the visual impact in Atherton and all along the peninsula. The program analysis of the visual impacts relied on measurements taken from aerial photos. It was determined that the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most all mature trees, if not all, are outside the right-of-way. The Program EIR assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges. The Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way, meaning that trees outside the right-of-way would not be removed, although some trimming would be required for vegetation intruding on the right-of-way. The trees along the right-



of-way would work to screen the visual impact and noise from the project, including any potential soundwalls.

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor can be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Mitigation for preservation of existing trees and other flora will be analyzed and reported at the project level.

**I018-7**

The visual assessment in the 2008 Final Program EIR considered the visual impact in Atherton and all along the peninsula. The program analysis of the visual impacts relied on measurements taken from aerial photos. It was determined that the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most all mature trees, if not all, are outside the right-of-way. The Program EIR assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges. The Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way, meaning that trees outside the right-of-way would not be removed, although some trimming would be required for vegetation intruding on the right-of-way. The trees along the right-of-way would work to screen the visual impact and noise from the project, including any potential soundwalls.

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level

engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor can be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Mitigation for preservation of existing trees and other flora will be analyzed and reported at the project level.

**I018-8**

See Response to Comment I005-7.

**I018-9**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

**Comment Letter I019 (Alain and Rosemary Enthoven, April 17, 2010)**

HSR Letter 4.17.10

**I019**

Alain and Rosemary Enthoven  
One McCormick Lane  
Atherton, CA 94027  
April 17, 2010

Dan Leavitt  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority

This letter is intended to comment on the Draft Program Level Environmental Impact Report (EIR) on the Authority's proposed routing of the system in the San Francisco Bay Area. **The Authority's proposed routing would have extremely detrimental impacts on us, our family, our neighborhood and the natural environment.** We have been Atherton home owners since 1973 and we can assure you we have "expert" knowledge of our neighborhood.

I019-1

The proposed HSR route along the CalTrain right of way down the San Francisco Peninsula **would cause serious damage to the quality of life in our neighborhood and the values of our properties.** We live about one block northeast of the CalTrain right of way at Fair Oaks Lane in Atherton. We and most people in our neighborhood walk, bicycle or drive across the CalTrain right of way at Fair Oaks lane. Children in this neighborhood can now walk and bicycle on their way to the library and the park, to the soccer fields and to school. We can and sometimes do walk to the police station, the Town Hall, and the branch post office there. We drive across the tracks on the way to my work at Stanford University, to church, and to shopping, and to the homes where our children and grand children live. We fear particularly the impact of the construction phase in which our convenient access to cross the right of way would be blocked, leading to more traffic and congestion, and loss of independent mobility for children.

I019-2

We live with a level crossing at Fair Oaks and CalTrain. It works tolerably well because the trains are fairly infrequent, and as long as they do not make prolonged loud whistles. But it would be hard to believe we could have a level crossing with the HSR at our or any other crossing. An elevated railway would be hideous and intolerably noisy. We like to eat outdoors in summer, but with such noise we would not be able to hear each other talking. And it would wake people at night. **It would transform our pleasant semi-rural environment into an ugly urban environment.**

I019-3

We have consulted with a local real estate broker who has 34 years of experience and knows our neighborhood well. In her judgment, even **the hint of the HSR becoming a reality is causing a 10-15%**

I019-4

**drop in real estate values. When or if the train actually materializes, prices will drop 25-30%.** That will reduce assessed values and local tax revenues. We are counting on our property value sometime in the next 10 years to pay for a retirement home and to help with the college educations of our grandchildren. The EIR should include independent estimates of the loss of our real estate values. And we should be compensated.

I019-4  
cont.

**We believe that the law requires the Authority to do a more thorough and balanced investigation of routing alternatives.** You have dismissed without adequate analysis the use of the Altamont-East Bay route which would better serve the East Bay and Sacramento areas which have larger populations than San Francisco. You should also analyze in detail a plan for locating the northern terminal of the HSR in San Jose. San Jose has a larger population than San Francisco and Silicon Valley is a larger business center. Then let San Francisco-bound passengers complete their journeys on CalTrain, possibly with some connecting express trains.

I019-5

Thank you for taking our comments and concerns into account as the California Environmental Quality Act requires.

Yours truly,

*Alain Enthoven* *Rosemary Enthoven*  
Alain Enthoven Rosemary Enthoven

cc. California Senator Joe Simitian

Assemblyman Ira Ruskin

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**Response to Letter I019 (Alain and Rosemary Enthoven, April 17, 2010)**

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**I019-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

**I019-2**

See Standard Response 6 regarding quality of life issues.

**I019-3**

The visual assessment in the 2008 Final Program EIR considered the visual impact in Atherton and all along the peninsula. The analysis of the visual impacts relied on measurements taken from aerial photos. It was determined that the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most mature trees, if not all, are outside the right-of-way. The Final Program EIR assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges.

Specific noise mitigation will be conducted as part of the project-level EIR/EIS to ensure proper measures are taken to keep noise from the HST within Federally-acceptable levels.

The introduction of HST to the Caltrain right-of-way may have impacts, but they would be identified and mitigated to the extent reasonably possible. The project would not change the land uses in Atherton. It would continue to be a community of homes and trees.

**I019-4**

See Standard Response 6 regarding property values.

**I019-5**

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

**Comment Letter I020 (Dewell and Karen Goodman, April 24, 2010)**

1020

**Kris Livingston**

**From:** Karen Goodman [dkgoodman85@hotmail.com]  
**Sent:** Saturday, April 24, 2010 12:50 PM  
**To:** HSR Comments; dkgoodman85@hotmail.com; kmckelthen@ci.atherton.ca.us  
**Subject:** Comments on Bay Area to Central Valley Revised Draft Program EIR  
**Attachments:** EIR.doc

Dear Mr. Leavitt, Thank you in advance for addressing our comments and concerns. Sincerely, Dewell and Karen Goodman

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

Mr. and Ms. Goodman  
81 Maple Ave.  
Atherton CA 94027

April 24, 2010

Dan Leavitt  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

I am writing to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the rail in the San Francisco Bay Area. The impact of the proposed routing would be severe and extremely devastating to many families, neighborhoods and our natural environment. I know that you have mentioned that HSR is more quiet than the existing rail, but the trains that pass by now come a lot less frequently than your forecast of a train every 3-5 minutes. This increase in noise and vibration along with the visual impact of four raised rails and the loss of many mature Oak trees and Redwood trees along the corridor would be significant. This train will change the landscape and feel of our town.

1020-1

My family and I believe strongly that these impacts along with many more if the current corridor is ultimately utilized could be eliminated by choosing a different route. We are also aware that the Law Requires the Authority to do a more thorough investigation of routing alternatives. We would like the Authority to adequately analyze the use of the existing right of ways along Highway 101 and Interstate 280. The Law requires you to do this!

1020-2

In closing, we request you to revise the Draft EIR, and then recirculate a Revised Draft EIR for further review and comment by the public.

1020-3

Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,

Dewell and Karen Goodman

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**Response to Letter I020 (Dewell and Karen Goodman, April 24, 2010)**

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**I020-1**

The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified significant impacts at the program level. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. More detailed analyses related to noise, vibration, visual, and trees during construction and operation would be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3 related to project-level detail.

**I020-2**

See Standard Response 10 regarding alternatives.

**I020-3**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

# Comment Letter I021 (Linda Griffin, April 24, 2010)

I021

## Kris Livingston

**From:** John Neil [john@johnneil.net]  
**Sent:** Saturday, April 24, 2010 7:18 PM  
**To:** HSR Comments  
**Subject:** High Speed Rail EIR comments  
**Attachments:** High Speed Rail EIR comments.pdf

## Kris Livingston

**From:** ljgriff1@comcast.net  
**Sent:** Saturday, April 24, 2010 5:58 PM  
**To:** HSR Comments  
**Cc:** kmckeithen@ci.atherton.ca.us  
**Subject:** HSR Comments

April 25th, 2010

Dear Mr. Leavitt and the High Speed Rail Authority,

I'd like to comment on the Draft Program Level EIR prepared on the Authority's proposed routing of the system in the SF Bay Area. The current routing (up the CalTrain Corridor) will significantly impact my family, our serene country-like neighborhood, and Atherton in general. I have been following the High Speed Rail direction for the past several years, having been on related committees and attended many related meetings. I am definitely a local expert on the subject.

I021-1

"The Town of Atherton desires, insofar as possible, to preserve its character as a scenic, rural, thickly-wooded, residential area with abundant open space and with streets designed primarily as scenic routes rather than for speed of travel." This is quoted directly from our General Plan. High Speed Rail has no business barreling through our "scenic, rural, thickly-wooded, residential area."

The commonly referred to "Berlin Wall" will literally split our quite little town in half, will be an incredible eye-sore, will depreciate the value of our homes by hundreds of thousands of dollars *per home*, and will greatly diminish the quality of living. This is not NIMBYism...Atherton is one of the only rural areas left in this busy, highly populated peninsula. HSR will ruin it and there will be nowhere for anyone to go who desires this type of unique setting within the peninsula. These are impacts that I personally know will occur, unless an alternative route is chosen.

I021-2

The law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed, without adequate analysis, the use of existing right of ways along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I021-3

I vehemently request that you revise the Draft EIR, and then re-circulate a Revised Draft EIR for further review and comment by the public. The revised Draft should study the following alternative route: ending the High Speed Rail in San Jose. Passengers can easily connect to the recently upgraded Bullet Train which is under utilized and losing millions of dollars.

I021-4

Thank you,

Linda Griffin  
 50 Walnut Avenue  
 Atherton, CA 94027

cc: State Senator Joe Simitian  
 Assembly Member Ira Ruskin  
 Mayor of Atherton Kathy McKeithen



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**Response to Letter I021 (Linda Griffin, April 24, 2010)**

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**I021-1**

The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified significant impacts at the program level. More detailed information and analysis of impacts and mitigation would be included in project-level EIR/EIS.

Comment about being a local expert is acknowledged.

**I021-2**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. Also, visual mitigation strategies were included in the 2008 Final Program EIR to minimize impacts of the project including using aesthetic treatments, landscaping, and design. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

See Standard Response 6 regarding property values.

**I021-3**

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The

Authority will consider adopting these strategies when it makes a new program-level decision.

**I021-4**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont Pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

Comment Letter I022 (Kathleen E. Holt, April 25, 2010)

I022

Kris Livingston

**From:** Kathy Holt [kathy.holt@vort.com]  
**Sent:** Sunday, April 25, 2010 2:07 PM  
**To:** HSR Comments  
**Subject:** RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

40 Moulton Dr.  
 Atherton, CA 94027  
 April 25, 2010

Mr. Dan Leavitt  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 9581

Dear Mr. Leavitt:

I am writing to you (and the HSRA—High Speed Rail Authority) to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

As a long-time Atherton resident (30 years), I can speak with authority regarding the impact of the proposed routing. The Authority's proposed project routing would have significant negative impacts — impacts on my family, my neighborhood, me personally and by the natural environment. I can assure you that I am a genuine "expert" with respect to the impacts of the project you propose. Many of the listed impacts could be eliminated, or vastly reduced, by choosing a completely different routing solution.

1. **Community:** I consider myself an "expert" on our neighborhoods, and I firmly believe that having a high-speed rail run directly through the center of our community will horribly impact and divide the vitality, commerce, and unity of the Menlo Park / Atherton area—those very features that make our community unique, charming, and highly valued.

2. **Mental health:** The World Health Organization (WHO) recommends a 55 decibel ambient noise level in residential communities. I believe the high-speed rail will greatly exceed that level, and suggest that HSRA provide absolute proof of noise and vibration levels before proceeding with the proposed route along the Caltrain alignment.

3. **Safety:** Even at reduced speeds (120mph), a high-speed train would require over 60 seconds to reduce speed. The proposed route along the Caltrain alignment, even with eminent domain removal of some properties, would still run dangerously close to many residences and business, and given an earthquake, the probability that a high-speed train would leave the tracks is significant. To ignore this reality is to suggest that Caltrans has wasted billions of dollars on highway and bridge retrofitting.

4. **Property Devaluation:** Properties near the tracks (within .5 miles of either side) have already lost over 10% of their value according to realtors with whom I have talked. This is unfair and puts a heavy burden on our, and similar, communities along the proposed route.

I request you to revise the Draft EIR, and then distribute a Revised Draft EIR for further review and comment by the public, including study of the following alternative routes:

- Ending the High Speed Train in San Jose – lower cost, much less residential impact, improved energy conservation and less noise. We need a re-vote on the bond issue!
- Highway 101 corridor – little residential impact
- Altamont Alignment to Highway 101 – lower residential impact and cost, less tax revenue loss

The law requires the Authority to do a much better investigation and documentation of the impacts I have described above – not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible.

You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

The impacts I have listed are in addition to the impacts that the proposed project would have on the natural environment. I ask the Authority properly to address my comments, as the California Environmental Quality Act (CEQA) requires.

Very truly yours,

Kathleen E. Holt

Atherton, California

[Sent by Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov) /and/ by FAX: 916-322-0827]

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**Response to Letter I022 (Kathleen E. Holt, April 25, 2010)**

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**I022-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

**I022-2**

See Response to Comment 1017-4 and Standard Response 6.

**I022-3**

The 55 dB level is not a single event, or "peak" level. Instead, it represents an average of acoustic energy over a one year period. This is a measure of all noise sources that one would be exposed to as part of one's daily activities. Along with the HST other noise sources such as traffic, televisions, and household appliances would also be higher than 55 dB. The difference is the HST passbys would occur over a period of seconds which the other typical noise sources would last much longer.

**I022-4**

We acknowledge the comment expressing concern about derailments during an earthquake. Safety is of utmost concern to the Authority. The high-speed train system is being designed to comply with all applicable safety standards, including those related to seismicity. International experience with seismically sensitive areas, such as in Japan, is that high-speed trainsets, tracks, and related equipment can be designed to safely withstand seismic activity without the trainsets leaving the track area.

**I022-5**

See Standard Response 6 regarding property values.

**I022-6**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA. Please see Response to comment I013 – 2. Revoting on the Bond measures would be a determination of the State Legislature and the California voters.

The Superior Court in the Town of Atherton case held the Authority has substantial evidence supporting the elimination of U.S. 101 alignment alternative from study in the 2008 Bay Area to Central Valley Program EIR. See Appendix A of the 2010 Revised Draft Program EIR (page 19). The Authority and the FRA considered a potential HST alternative along U.S. 101 between San Francisco and San Jose as part of the Statewide Program EIR/EIS process and the Bay Area to Central Valley Program EIR/EIS process. The U.S. 101 alternative was screened out from further study in the program environmental documents for practicability reasons. As noted in Table 2.5-4 of the 2008 Final Program EIR/EIS (page 2-43), the US 101 option was rejected from further consideration. As shown in the table, principal reasons for rejection of these alignments included construction, right-of-way, and environmental concerns, particularly visual and land use (right-of-way acquisition) impacts. Please also see Appendix 2-G1.1 in the Final Program EIR/EIS for a discussion of alignment alternatives and station location options eliminated from further consideration.

The Final 2008 Program EIR and 2010 Revised Draft Program EIR Material combined provide a complete and thorough description and evaluation of a “no project” alternative and 21 representative network alternatives for connecting the Bay Area to the Central Valley. Included in this range of alternatives were 11 Altamont Pass network alternatives, 6 Pacheco Pass network alternatives, and 4 Pacheco Pass with Altamont Pass (local service) network alternatives using uniform program-level evaluation methodologies and criteria. Please note that the judgment in the Town of Atherton case did not find fault with the range of alternatives studied in the Program EIR, or require additional study of alternatives dismissed from further consideration. Please see Chapter 7 of the 2010 Revised Draft Program EIR Material for a full discussion of the advantages and disadvantage of the network alternatives including the Altamont network alternatives.

**I022-7**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**Comment Letter I023 (Clive Merredew, March 29, 2010)****I023**

Clive Merredew  
52 Wilburn Avenue  
Atherton, CA 94027

March 29, 2010

Dan Leavitt  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. The Authority's proposed project routing would extremely significant impacts on the San Francisco Peninsula. Impacts would be experienced by me, my family, my neighborhood, and by the natural environment. I can assure you that I am a genuine "expert" with respect to the impacts of the project you propose. These impacts include, but are not limited to, noise and vibration impacts, view impacts, business impacts, impacts on trees and other vegetation, and increased public safety dangers. Many of the listed impacts could be eliminated, or vastly reduced, by choosing a completely different routing solution.

I023-1

I believe the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of existing right of ways along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I023-2

I request you to revise the Draft EIR, and then recirculate a Revised Draft EIR for further review and comment by the public. The Revised Draft should study the following alternative route: through the Altamont Pass and across the Bay to Hwy 101. Many US cities run rail corridors along or above highway central medians and this alternative has not been thoroughly investigated for the California High Speed Rail.

I023-3

Some possible alternatives include:

- Highway 101 corridor from San Jose to San Francisco
- Highway 280 corridor
- Ending the High Speed Train in Oakland rather than San Francisco using Highway 880. This would have the benefit of easier and less costly connection through to Sacramento. It would also provide a huge boost to the city of Oakland.

I023-4

Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,



Clive Merredew

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**Response to Letter I023 (Clive Merredew, March 29, 2010)**

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**I023-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

See Standard Response 3.

More detailed information and analysis of noise, vibration, visual, business, biological, and public safety impacts and mitigation will be included in project-level EIR/EISs.

**I023-2**

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I023-3**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with

the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA. See Standard Response 10.

**I023-4**

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in Oakland or not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with Oakland Terminus; Altamont Pass with Union City Terminus; Altamont Pass with Oakland and San Francisco via Transbay Tube; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland and San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont Pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in Oakland will be part of the record that the Board considers. See Standard Response 10.



## Comment Letter I024 (Renate Merredew, March 29, 2010)

Ms. Renate Merredew  
52 Wilburn Avenue  
Atherton, CA 94027

I024

March 29, 2010

Mr. Dan Leavit  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

I024-1

I live in the Lloyd Park neighborhood, at the following address: 52 Wilburn Ave, Atherton 94027. The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

I024-2

- I live just a few yards from the proposed route and the noise and vibration from the tracks will be extreme. The noise and vibration will have a very detrimental effect on my health, on my ability to sleep, and on the value of my property when I will consequently be forced to sell.
- An above ground system of tracks will be visible from my home and will ruin my views.
- I am concerned that literally thousands of trees will need to be cut down to accommodate the extra width of right-of-way you will acquire.
- If one of the high speed trains on an elevated track should derail the results in my neighborhood would be catastrophic with potentially huge loss of life and property.

I024-3

I024-4

I024-5

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above – and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I024-6

I request you to revise the Draft EIR you have prepared, to address my concerns, and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

I024-7

Yours truly,

  
Renate Merredew

**Response to Letter I024 (Renate Merredew, March 29, 2010)****I024-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

The Authority disagrees that impacts and mitigation measures were not properly investigated. The current Revised Draft Program EIR Material is part of a first-tier, programmatic environmental review process examining the impacts of 21 network alternatives at a broad level of detail.

**I024-2**

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. See also Standard Responses 3 and 6.

**I024-3**

The visual assessment in the 2008 Final Program EIR considered the visual impact in Atherton and all along the peninsula. The program analysis of the visual impacts relied on measurements taken from aerial photos. It was determined that the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most all mature trees, if not all, are outside the right-of-way. The Program EIR assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges. The Final Program EIR assumed that Caltrain and HST would remain within the existing

right-of-way, meaning that trees outside the right-of-way would not be removed, although some trimming would be required for vegetation intruding on the right-of-way. The trees along the right-of-way would work to screen the visual impact and noise from the project, including any potential soundwalls.

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor can be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Mitigation for preservation of existing trees and other flora will be analyzed and reported at the project level.

**I024-4**

See Response to Comment I024-3 above.

**I024-5**

See Response to Comment I006-8.

**I024-6**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing

impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I024-7**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

## Comment Letter I025 (David A. Lewis, April 21, 2010)

I025

David A. Lewis  
50 Jennings Lane  
Atherton, CA 94027

April 21, 2010

Dan Leavitt  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Comments to Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority,

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. The EIR is fatally defective due to its failure to consider seriously the Altamont Route for linking the Central Valley to the greater San Francisco Bay Area. In fact, the Altamont Pass is the best route because it would generate the highest ridership and revenue for a Los Angeles – Bay Area System.

- Altamont is about 50 minutes faster from Sacramento to San Francisco than the Pacheco route, thus speeding commutes along the Interstate 80 and Interstate 580/680 corridors. The Pacheco route would actually take longer than current Capitol Corridor or ACE trains and therefore would produce negligible congestion relief on Interstates 80, 580 and 680.
- Altamont allows San Francisco trains to reach dedicated high-speed track much sooner after leaving San Francisco, providing the less-than-3-hour Los Angeles travel time required by the bonding legislation. This is of key importance to the success of high speed rail.
- The Altamont route links more cities, reducing more automobile trips and improving air quality. Altamont would serve numerous San Joaquin Valley and Tri-Valley cities including: Merced, Turlock, Modesto, Manteca, Tracy, Livermore, Pleasanton, Dublin, San Ramon and Fremont.
- The Altamont route directly serves nearly one million people residing in these ten cities. By contrast, the Pacheco alignment serves Los Banos, Gilroy and Morgan Hill with combined populations of only 100,000 people.
- Altamont's direct connections to existing public transit systems, including BART at Livermore and Fremont, will reduce station costs and increase ridership. Altamont ridership would exceed that of the other alignments, because it runs closer to the center of population of the Bay Area, and can provide superior service for an

I025-1

additional three million people in the East Bay, Stockton and Sacramento who would benefit from faster travel times.

I believe that the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of the Altamont Pass route.

I025-1  
cont.

I request that you revise the Draft EIR and re-circulate the revised draft for further review and comment by the public. The revised draft should study and fully evaluate using the Altamont route for the high speed rail link from the Central Valley to the Bay Area.

Thank you for your consideration.

Sincerely,



David A. Lewis

cc. Town of Atherton

**Response to Letter I025 (David A. Lewis, April 21, 2010)****I025-1**

Please see Response to Comment I010-1 for a summary of the reasons that Pacheco alignment with San Jose and San Francisco termini was identified as the preferred alternative in the 2008 Final Program EIR. A complete discussion of the reasons for this selection is provided in Chapter 7 of the 2010 Revised Draft Program EIR Material.

The Authority agrees that the Altamont alignment has shorter travel time between San Francisco and Sacramento, which is noted in the Summary table S.8-1 of the Program EIR. Please note that the current capitol corridor schedule shows an on train time of one hour and 50 minutes between Sacramento and Emeryville. To arrive in downtown San Francisco then requires a bus service over the Bay Bridge shown as an additional 30 minutes. Travel time for an express train on the HST Pacheco Alignment between San Francisco and Sacramento is one hour and 47 minutes (Table S.8-1, 2008 Program EIR). The Altamont pass travel time between San Francisco and Los Angeles is 2 minutes faster than the Pacheco Alternatives.

As noted in Chapter 7 of the 2010 Revised Draft Program EIR Material: "The Tri-Valley Policy Working Group and Technical Advisory Committee (Tri-Valley PAC) took a similar position. Tri-Valley PAC is a partnership that includes the cities of Dublin, Livermore, Pleasanton, Danville, San Ramon, and Tracy along with transportation providers LAVTA, ACE, and BART. The Tri-Valley supports "continued study of high speed rail through the Altamont Corridor on the Union Pacific corridor PROVIDED:"

- "a. There are no significant Right-of-Way takes.
- "b. There is no major aerial structure through Pleasanton."

"In addition, the Tri-Valley PAC provided the following comments for consideration by the Authority:"

"The Draft Bay Area EIR/EIS includes a Bay Area HSR alignment that would include High Speed Train service through the Pacheco Pass

and regional overlay service provided through the Altamont pass. The Policy Advisory Committee believes that this option may present the best way of addressing our concerns and delivering optimal HST service to the region as a whole. The combined Altamont/Pacheco(Hybrid) alignment option allows HSR to provide frequent service along the most direct route between northern and southern California, while still serving the important regional transportation corridors in Northern California, including those in the Central Valley, the Tri-Valley, and between Sacramento and the Bay Area. The Draft EIR/EIS demonstrates that the corridors served by the Altamont alignment include some of the greatest travel demand in the entire system."

"While providing these important transportation advantages, a system that provides service in both major corridors also mitigates some of the possible negative impacts identified in the Draft EIR/EIS. Specifically related to the Tri-Valley's key concerns, it would improve the likelihood that HST service could be delivered within the existing Union Pacific Right-of-Way without the need for major aerial infrastructure, or significant right-of-way acquisition through the developed portions of the Tri-Valley."

Improvements to the ACE corridor are currently under review by the Authority in concert with ACE, the regional planning agencies, and BART.

Please see Response to Comment I010 – 1 regarding the adequacy of the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material. The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

## Comment Letter I026 (Howard W. Morgan, April 24, 2010)

Kris Livingston

I026

**From:** Hwmorganiiii@aol.com  
**Sent:** Sunday, April 25, 2010 10:55 AM  
**To:** HSR Comments  
**Subject:** High Speed Rail comments - HSR EIR Draft  
**Attachments:** High Speed Rail Comments - Morgan; April 24 2010.doc

Attention: Dan Leavitt

Dear Mr. Leavitt:  
 Please find attached a letter that contains my comments regarding the HSR EIR Draft.  
 Thank you for your consideration,  
 Howard W. Morgan III

Howard W. Morgan  
 79 Snowden Ave.  
 Atherton, CA 94027

April 24, 2010

Dan Leavitt Sent by Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. I am a mechanical engineer and have also earned a masters of science degree in real estate and construction management. I have attached my resume below for reference.



Resume - HW  
Morgan

Based on my expertise, I have prepared four slides (imbedded below) that contain relevant reference data. Included are related questions that should be answered.



HSR Comments

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above, and that the California Environmental Quality Act (CEQA) also requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, such as terminating the high speed rail in Gilroy and leverage the current and future BART, Caltrain and Muni infrastructure.

I request you to revise the current Draft EIR to address my concerns, and that you then recirculate a Revised Draft EIR for further review and comment by the public.

Thank you for taking my comments and concerns into account, as CEQA requires.

Sincerely,  
 Howard W. Morgan III

CC:  
 State Senator Joe Simitian  
 State Senator Leland Yee  
 Assembly Member Jerry Hill  
 Assembly Member Ira Ruskin  
 Gary Patton, Attorney

I026-1



## Comment Letter I026 - Continued

Attachment A  
included in  
I026-1

Attachment A  
included in  
I026-1

**Will Morgan** 79 Snowden Ave • Atherton, CA 94027 • 408-892-0666 (cell)  
[hwmorganiii@aol.com](mailto:hwmorganiii@aol.com)

### Objective

A challenging Sales/Account Management position which will utilize my sales experience, technical skills and proven ability to develop and maintain strong relationships

### Experience

**Asyst Technologies, Inc.** Fremont, CA  
2008 – present  
Director of Strategic Accounts  
A prominent manufacturer of Automated Material Handling Systems (AMHS) and wafer handling equipment including Loadports, Lotsorters and RFID devices. Responsible for all AMHS and Components business with Intel. Accountable for profitability, customer satisfaction/support, sales performance and commercial relations

- Won the first sole-sourced AMHS Fab contract in Intel's history (\$38M)
- Secured 100% Lotsorter marketshare (\$11M in 2008). Business had been split with Receif
- Earned Intel's prestigious PQS (Preferred Quality Supplier) award in 2008 and 2009
- Gained experience with Japanese culture and methodology through my management interaction with Asyst's AMHS division in Japan

**Novellus Systems, Inc.** San Jose, CA  
1999 – 2008  
Senior Account Executive  
A leading manufacturer of semiconductor manufacturing capital equipment. Contributed to the company's success by managing and growing its business at the Intel Corporation.

- Managed all aspects of customer support including process and product development, technical support, commercial negotiation, quality assurance, configuration control & logistics
- Grew PECVD equipment sales by 500% while surpassing corporate margin targets
- Captured in excess of 80% of the served available PECVD market
- Diplomatically extinguished the customer's pursuit of \$5.2M in performance remedies
- Recovered \$7M worth of warranty revenue
- Awards include: "Sales Excellence"- 2000, "PECVD Account Executive of the Year"- 2003, "New Application Penetration"- 2004, "Sales Excellence" - 2005, "Account Team of the Year" - 2006

**Pfeiffer Vacuum, Inc.** Fremont, CA  
1995 – 1999  
Key Account Manager  
World's largest manufacturer of turbomolecular vacuum pumps. Developed and managed its business in targeted semiconductor manufacturing OEM's. Accounts included Applied Materials, Novellus Systems, LAM Research, Watkins-Johnson and Mattson Technology

- Grew annual sales from \$1.5M to \$7.8M
- Negotiated the largest single order in the company's history
- Increased the sales in 1998 by 57% despite an industry-wide recession
- Voted "Salesman of the Year" in 1997
- Earned top salesman honors in 1998, both in overall growth and gross sales

Will Morgan

Page 2

**Denver Industrial Pumps, Inc.** Denver, CO  
Sales Engineer  
1993 - 1995  
Local distributor of liquid process pumps and filters. Primary markets were engineering, environmental, municipal and manufacturing

- Initiated and consummated a \$500K contract with an OEM
- Specified several water treatment systems that were collectively valued at more than \$1M
- Cultivated a mining customer that later became the company's largest customer

**CR Systems, Inc.** Houston, TX  
President  
1991 – 1992  
Founded CR Systems, a commercial construction company. Responsible for sales, marketing, resource management and legal concerns

- Achieved profit in first year
- Managed five subcontractors and six direct employees
- Doubled the sales of a 17 year industry veteran

**Filter Specialists, Inc.** Houston, TX  
Regional Manager  
1986 – 1991  
World's largest manufacturer of industrial liquid bag filters. Responsible for product distribution and market development in a nine state region

- Increased regional sales by 310%
- Increased sales in personal territory from \$120K to \$1.2M
- Managed five direct salesmen, three inside sales agents and two remote distributors
- Conceived and engineered an advanced filter sizing program. Directed two years of related research. The program is still in use today
- Devised and implemented an inventory control system that elevated the inventory-turnover-ratio from 3 to 6

**Hercules Aerospace, Inc.** Magna, Utah  
Manufacturing Engineer & Foreman  
1985 – 1986  
Design and manufacture nuclear ballistic missiles

- Supervised a crew of eight
- Promoted three times in first year
- Created an air emission measurement system that was adopted plant wide
- Assigned to high profile robotics project

### Education

**University of Denver** Denver, CO  
Masters of Science in Real Estate & Construction Management  
2008  
Beta Gamma Sigma honor society member

**University of California, Berkeley** Berkeley, CA  
Semiconductor Manufacturing Technology Certificate with Distinction  
1998

**Purdue University** West Lafayette, IN  
Bachelors of Science in Mechanical Engineering  
1984

References available upon request

## Comment Letter I026 - Continued

Included as  
reference to  
I026-2

## Questions:

- It is likely that >50% of the riders prefer to go to the east bay instead of the peninsula based on the population distribution. Growth in the east bay will also far out-pace the growth on the peninsula (see slide 1). Many, if not most, passengers would likely depart the train at the SJ station as a result. This effect will be further driven by the completion of the BART extension to SJ (see slide 3). Do the plans take in to account this reduced demand along the peninsula? How many less trains are needed to serve the SJ to SF connection as a result? Would the Caltrain and Bart systems adequately absorb the adjusted demand?
- The projected passenger volume for the high speed rail is significant. Where will the parking spaces for all of the passengers be located? How many spaces are required? Has the related traffic impact to the areas adjacent to the proposed terminal locations been considered?
- How would the tunnel, trench and elevated track options be coordinated so as not to interrupt Caltrain service? How long would the service be interrupted if this is not possible?
- The construction effort to install the new infrastructure will likely take several years. Will any of the construction activity occur a night? If so, how will the related noise be mitigated? Will temporary housing be provided to residents who would otherwise be deprived of sleep?
- Businesses in some of the cities that the train will pass through will have to be relocated. What will be the economic impact? How many jobs will be sacrificed?
- It is likely that some crossing will be eliminated in the elevated or trench applications. Have the traffic implications been considered?
- The latest proposal contains plans to run the train along highway 101 for several miles in the south bay. Two of the six lanes will be consumed. This freeway was only recently expanded to handle the present and projected traffic. What has changed that suggests the expansion was not needed? Will another highway expansion be needed in the future? What options are there to handle the additional traffic that is projected? Are funds being reserved from the high speed rail budget to accommodate the future road expansion?
- One option would be to terminate the high speed rail line in Gilroy. The passengers could transfer to Caltrain, and would have access to the entire bay area (east bay, south bay and the peninsula) via the existing Caltrain, Bart and Muni systems (see slides 2 and 3). Additional baby bullet service could be added to help minimize the transit time. How much cost would be reduced with this option? How many less businesses would be effected? How much quicker would service be possible? What would be the impact on usage? Would it help Muni, Bart and Caltrain profitability and by how much? How many less cars would be on the road because of the increased accessibility of public transportation? How many more people would use the service because of the enhanced convenience? Some of the money budgeted for the high speed rail could be used to electrify Caltrain instead. How does environment impact compare between Caltrain electrification and the high speed rail introduction over the same area?

WHR Morgan: 4/24/10

I026-2

I026-3

I026-4

I026-5

I026-6

I026-7

I026-8

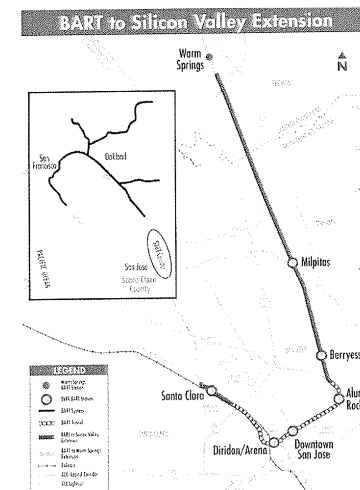
I026-9

BART  
Expansion

## Overview

The Bay Area Rapid Transit (BART) to Silicon Valley Project consists of an extension of the existing BART regional heavy rail system to San Jose, Milpitas and Santa Clara. The BART Extension to Silicon Valley will extend over 16 miles along the existing Union Pacific Railroad alignment south of the planned Warm Springs Station in Fremont. When completed, this fully grade-separated project will include: six stations – one in Milpitas, four in San Jose and one in Santa Clara; a 5-mile tunnel in downtown San Jose; and a new maintenance and storage facility in Santa Clara.

Federal environmental clearance is expected in 2010.



WHR Morgan: 4/24/10

Included as  
reference to  
I026-2

Included as  
reference to  
I026-2

## Will Morgan 4/24/10

## Will Morgan 6/24/10

**Response to Letter I026 (Howard W. Morgan, April 24, 2010)****I026-1**

Please see Response to Comment I025-1. Termination of the HST system in Gilroy would not meet the purpose and need of the HST system. The rail right-of-way between Gilroy and Lick (in San Jose) is owned by the UPRR, which has stated its opposition to use of its right-of-way for HST (please see comment letter O002). Caltrain currently operates 3 trains northbound and 3 trains southbound between San Francisco and Gilroy. Between Gilroy and Lick, this service is operated on the UPRR tracks in a UPRR right-of-way that is generally 60 feet wide. This level of service would be inadequate for transfers between HST and Caltrain, and expansion of Caltrain service levels would require agreement with the UPRR.

**I026-2**

The ridership forecasting took into account future growth in the Bay Area (including the East Bay and Peninsula). See Standard Response 4.

**I026-3**

Anticipated parking requirements and impacts are reviewed at the program level in the 2008 Final Program EIR in Chapter 3.1: Traffic, Transit, Circulation, and Parking. Detailed design and evaluation of parking requirements, sites, and impacts will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

**I026-4**

The Bay Area to Central Valley High-Speed Train (HST) Program EIR/EIS process did not select a vertical alignment. However, the precise alignment and profile options for the HST system in the Caltrain Corridor is being further evaluated and refined as a part of the ongoing preliminary engineering and project-level environmental review. Use of a trench or tunnel concepts in sensitive areas or where it is an appropriate and necessary design option is being further evaluated with more detailed study during this phase. Some

of the criteria for the evaluation would include overall ground footprint, potential right-of-way (ROW) requirements, environmental impacts, constructability and construction methods, costs, as well as community cohesion (access across existing corridor).

The PCJPB owns the Caltrain right of way. The Authority and PCJPB have negotiated a memorandum of understanding (MoU) to work together on the corridor and to develop a "single vision" for the corridor moving forward into the future. The MoU was approved by the California High Speed Rail Authority Board on March 5th, 2009, and by the PCJPB on April 2nd, 2009.

The purpose of this agreement is to establish an initial organizational framework whereby CHSRA and PCJPB engage as partners in the planning, design and construction of improvements in the Caltrain Rail Corridor that will accommodate and serve both the near-term and long-term needs of CHSRA intercity high speed rail service and PCJPB commuter rail rapid transit service. See also Standard Response 10.

**I026-5**

Construction impacts were discussed in Chapter 3.18 of the 2008 Final Program EIR and mitigation strategies were discussed under the various topics in Chapter 3. As noted, some construction activities may need to be conducted at night resulting in increased noise and vibration. Mitigation strategies regarding noise and vibration are discussed in Chapter 3.4 in the Final Program EIR. More detailed analyses related to construction impacts including noise and vibration will be performed during the project-level EIR/EIS analysis, when more detailed design and location information will be available. See also Standard Response 6.

**I026-6**

See Standard Response 6.

**I026-7**

The project-level traffic impact analysis study will consider the effects of at-grade crossing closure on highway/roadway traffic Level of Service, vehicular trip patterns, and changes in vehicular accessibility. This information will be documented in a Traffic, Transit, Circulation and Parking Report.

**I026-8**

The Authority did not propose in the 2008 Final Program EIR nor is it now proposing to use lanes from US 101 in the south bay.

**I026-9**

Please see Response to Comment I026-1.

## Comment Letter I027 (Kathy Murphy, April 25, 2010)

I027

Kris Livingston

**From:** Kathy Murphy [Kathy@trinityventures.com]  
**Sent:** Sunday, April 25, 2010 5:13 PM  
**To:** HSR Comments  
**Subject:** Comments on Bay Area to Central Valley Revised Draft Program EIR

62 Walnut Avenue  
 Atherton, CA 94027  
 April 25, 2010

Sent via E-mail: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)

Dan Leavitt  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

I live in at 62 Walnut Avenue, Atherton, CA. The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

- 1) Intolerable noise and vibrations. My house already shudders every time CalTrain goes by. It will be worse with HSR.
- 2) The division of Atherton communities with an unsightly railroad that doesn't even serve the immediate community.
- 3) Destruction of property values for the neighborhoods that are close to HSR.

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above – and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I request you to revise the Draft EIR you have prepared, to address my concerns, and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,

Kathy Murphy

I027-1

I027-2

I027-3

I027-4

I027-5



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**Response to Letter I027 (Kathy Murphy, April 25, 2010)**

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**I027-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

The Authority disagrees that impacts and mitigation measures were not properly investigated. The current Revised Draft Program EIR Material is part of a first-tier, programmatic environmental review process examining the impacts of 21 network alternatives at a broad level of detail.

**I027-2**

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. The noise analysis at the project-level will include the cumulative impacts of existing noise sources (such as Caltrain) and proposed noise sources.

**I027-3**

See Response to Comment 1017-4.

**I027-4**

See Standard Response 6 regarding property values.

**I027-5**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

Comment Letter 1028 (Julie Quinlan, April 23, 2010)

	1	2
<p>April 23, 2010</p>	<p>1028 APR 23 2010</p>	
<p>To: Dan Leavitt California High Speed Rail Authority 925 L St., Suite 1425 Sacramento, CA 95814</p>		
<p>re: comments to revised draft program EIR material</p>		
<p>Dear Mr. Leavitt,</p>		
<p>I am submitting these comments on the March 2010 Revised Draft Program EIR Material and previous program level EIR for the Bay Area to Central Valley High Speed Train.</p>		<p>well as specifically at my residence located at 49 Maple Ave., Atherton, CA 94025 and the residences located at 57 Maple Ave. and 98 Maple Ave.in Atherton, CA 94025.-</p> <p>1028-4 cont.</p>
<p>I very concerned about noise and vibrations in my neighborhood, located between the Caltrain tracks and El Camino Real and between Ashfield Rd. and Watkins Ave. in Atherton, as well as specifically at my residence located at 49 Maple Ave., Atherton, CA 94025 and the residences located at 57 Maple Ave. and 98 Maple Ave.in Atherton, CA 94025.- With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot. My home was built in the 1930's and the walls are comprised of lath and plaster, which could crack and chip if vibrations increase significantly. The vibrations could also affect the foundation and stability of my home as well as window and door casings. Please analyze and describe how vibration levels will increase at the address and area I indicated above.</p>	<p>1028-1</p>	<p>HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. Elementary and high schools in our district are located on either side of the tracks ( on the east side are Laurel School at 95 Edge Rd., Atherton; Encinal School at 195 Encinal Ave., Menlo Park, Menlo-Atherton High School at 555 Middlefield Road, Atherton, CA, on the west side is Hillview Middle School, 1100 Elder Avenue, Menlo Park, CA and Oak Knoll School, 1895 Oak Knoll Lane, Menlo Park, CA). The Caltrain corridor runs through the middle of this school district and many students walk and bike to school.</p> <p>1028-5</p>
<p>Please also analyze and describe how noise levels will increase at the address and area I indicated in the previous paragraph.</p>		<p>I don't want property taken by eminent domain. Section 3.2.2 of the Revised Draft Program EIR Material says that there will be a need to take property. This will hurt me and my community, especially the residence located at 98 Maple Ave., Atherton, CA.</p> <p>1028-6</p>
<p>A multi-track and/or elevated structure of any kind will divide my neighborhood. Trees lining the tracks will need to be removed to accommodate electrical poles and possibly an elevated track on a berm. The removal of the trees, which are a key characteristic of our neighborhood, and addition of such tracks will create a HIGH visual impact. Please describe how you concluded that HSR would generate only be a LOW visual impact on my neighborhood, located between the Caltrain tracks and El Camino Real and between Ashfield Rd. and Watkins Ave. in Atherton, as well as specifically at my residence located at 49 Maple Ave., Atherton, CA 94025 and the residences located at 57 Maple Ave. and 98 Maple Ave.in Atherton, CA 94025.-</p>	<p>1028-2</p> <p>1028-3</p>	<p>I am aware that the Alternatives Analysis is considering at-grade option (ground level) and tunnel options for running high speed trains through North Fair Oaks , which is an unincorporated area of San Mateo County comprising parts of Menlo Park and Redwood City, north of the town limits of Atherton and south of the incorporated portion of Redwood City. This area has a high concentration of people who have been historically discriminated against as well as households receiving low incomes. However, you are also considering trench and above grade options for Redwood City and Atherton (cities to the north and south of North Fair Oaks) and it is unfair that you provide North Fair Oaks with fewer options.</p> <p>1028-7</p>
<p>My neighborhood will be harmed by the need to "temporarily" take property to enable the construction of extra tracks needed to keep Caltrain running during construction of HSR (under the agreement in Section 7.2.3 , Revised Draft Program EIR Material). This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks. Please describe the impact on my neighborhood, located between the train tracks and El Camino Real and between Ashfield Rd. and Watkins Ave. in Atherton, as</p>	<p>1028-4</p>	<p>Although Caltrain already runs through our neighborhood, located between the Caltrain tracks and El Camino Real and between Ashfield Rd. and Watkins Ave. in Atherton adding the HSR tracks, plus the extra tracks Caltrain will need to keep running, plus running trains every 5 minutes, will be very harmful to how our community interacts ("community cohesion"), in some ways like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for this specific area.</p> <p>1028-8</p> <p>Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harm how our neighborhood looks and will dominate the landscape. Please explain how you concluded in your revised draft EIR that HSR will have a "low" visual impact on these areas: between the Caltrain tracks and El Camino Real and between Ashfield Rd. and Watkins Ave. in Atherton, as well as specifically at my residence located at 49 Maple Ave., Atherton, CA 94025 and the residences located at 57 Maple Ave. and 98 Maple Ave.in Atherton, CA 94025</p> <p>1028-9</p> <p>Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at my neighborhood, located between the Caltrain tracks and El Camino Real and between Ashfield Rd. and Watkins</p> <p>1028-10</p>

## Comment Letter I028 - Continued

Ave. in Atherton, as well as specifically at my residence located at 49 Maple Ave., Atherton, CA 94025 and the residences located at 57 Maple Ave. and 98 Maple Ave. in Atherton, CA 94025. Please describe the effects and how you will mitigate them.

I028-10  
cont.

### School impacts

A preschool called Playschool is located in Holbrook Palmer Park, 150 Watkins Ave., Atherton, CA 94027. Approximately 240 children attend every day, between the hours of 8:30 a.m. and 4:30 p.m. My 3 year old nephew attends this school and has severe allergies and asthma. It is located within 900 feet of the Caltrain corridor and its proximity makes its students - all of whom are under 6 years old and are at very early stages of their physical development - especially vulnerable to the effects of noise and vibrations and dust.

I028-11

A school called Garfield School is located at 3600 Middlefield Rd., Menlo Park, CA 94025. It serves 682 students in grades K-8. It is 94% Hispanic. It backs onto the Caltrain corridor which is being considered for construction of HSR and most of the school is contained within 1000 feet of the Caltrain right of way. Its location right next to the tracks make its students extremely vulnerable to all of the incidental effects of HSR.

I028-12

Nativity School is located at 1250 Laurel St, Menlo Park, CA 94025. It serves 269 students in grades K-8. It is located within 900 feet of the Caltrain corridor and its location very close to the tracks make its students extremely vulnerable to all of the incidental effects of HSR.

I028-13

Encinal School is located at 195 Encinal Ave., Menlo Park, CA 94025 and is located less than 2000 feet from the Caltrain corridor. It serves approximately 700 students in grades K-5. I have 2 children aged 6 and 8 who attend the school and am aware of students who have hearing disabilities that require them to use assistive devices to hear.

I028-14

I request a specific analysis of how noise, vibrations, construction and train operations will affect all of the above-named schools and their students and the learning environment. Please ensure that any noise impacts on each classroom in these schools comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom. Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students like my nephew who have hearing, respiratory and/or other disabilities. I am concerned about the health effects on these schools and students of the electromagnetic fields that will be generated by the electrical catenaries required for HSR if built on the Caltrain corridor. Please describe what the health effects will be, with particular emphasis on the effects on the development of children, and how they can be mitigated.

I028-15

To avoid these problems, you should put the high speed train in a tunnel, or route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems, or stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco

I028-16

Sincerely,

Julie Quinlan  
49 Maple Ave.  
Atherton, CA 94027

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**Response to Letter I028 (Julie Quinlan, April 23, 2010)**

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**I028-1**

See Response to Comment I002-2 regarding noise and vibration.

**I028-2**

The visual assessment in the 2008 Final Program EIR considered the visual impact in Atherton and all along the peninsula. The program analysis of the visual impacts relied on measurements taken from aerial photos. It was determined that the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most all mature trees, if not all, are outside the right-of-way. The Program EIR assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges. The Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way, meaning that trees outside the right-of-way would not be removed, although some trimming would be required for vegetation intruding on the right-of-way. The trees along the right-of-way would work to screen the visual impact and noise from the project, including any potential soundwalls.

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor can be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Mitigation for preservation of existing trees and other flora will be analyzed and reported at the project level.

**I028-3**

See Response to Comment I028-2 above.

**I028-4**

Construction impacts were discussed in Chapter 3.18 of the 2008 Final Program EIR and mitigation strategies were discussed under the various topics in Chapter 3. As noted, the Revised Draft Program EIR Material identified the need for additional property along the Caltrain corridor at some locations to be determined at the project-level. More detailed analyses related to impacts to homes and businesses during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See also Standard Response 3 related to project-level detail.

**I028-5**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

**I028-6**

See Standard Response 7 regarding Eminent Domain.



## **I028-7**

See Responses to Comment 1017-4 and O018-9.

## **I028-8**

See Response to Comment 1017-4.

## **I028-9**

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

## **I028-10**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Electromagnetic fields (EMF) was not one of those topics. Please see Chapter 3.6 of the May 2008 Final Program EIR. The analysis identified that the HST project

(and it's electrical supply and facilities) would have minimal electromagnetic interference (EMI)/EMF exposures at levels for which there are no documented health risks are anticipated and that EMI/EMF concerns are less than significant at the programmatic level under CEQA and not significant under NEPA. Although exposure to EMI/MF is considered less than significant in the Program EIR, in the Authority's prior July 2008 decision it reaffirmed its commitment to use design practices and mitigation strategies at the project-specific level to avoid EMI and EMF exposure to a practical minimum. The Authority rescinded its 2008 decision, and therefore will consider adopting similar design practices and mitigation strategies as part of a new decision. These include:

For EMI:

1. Design the overhead catenary system, substations, and transmission lines to reduce electromagnetic interference to a practical minimum.
2. Design the project component to minimize arcing and radiation of radiofrequency energy.
3. Choose devices generating radiofrequency with a high degree of electromagnetic compatibility.
4. 4. Where appropriate, add electronic filters to attenuate radiofrequency interference.
5. 5. Relocate receiving antennas and use antenna models with greater directional gain where appropriate, particularly for sensitive receptors near the HST system.
6. 6. Comply with the FCC regulations for intentional radiators, such as the proposed HST wireless systems.
7. 7. Establish safety criteria and procedures and personnel practices to avoid exposing employees with implantable medical devices to EMF levels that may cause interference with such implanted biomedical devices.

For EMF:

1. Use standard design practices for overhead catenary power supply systems and vehicles, including appropriate materials, location and spacing of facilities and power supply systems to minimize exposure to

receptors over distance, and shielding with vegetation and other screening materials.

2. Design overhead catenary system, substations, and transmission lines to reduce the electromagnetic fields to a practical minimum.

#### **I028-11**

See Standard Response 5. The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Section 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

#### **I028-12**

The Program EIR developed minority and low-income population percentage thresholds to identify locations within the study area where there were higher than average concentrations of environmental justice communities as compared to the surrounding study area, city and/or county as a whole. In addition, the Program EIR evaluated size and type of right-of-way needed for the alignment alternatives and proximity to environmental justice populations. These factors provide a reasonable indication of where potential benefits or disproportionate impacts to minority and low-income populations would be most likely to occur. Because this is a program-level document, the analysis considered the potential for environmental justice impacts on a broad scale. Additional analysis and public outreach will take place during project-level investigations to identify minority and low-income individuals including any dispersed locations of these populations and to consider potential localized disproportionately high and adverse effects. Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

#### **I028-13**

See Response to Comment I028-11.



**I028-14**

See Standard Response 5. Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

**I028-15**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. Site specific noise, air quality, and accessibility impacts during construction and operation of the HST to sensitive receptors such as schools, will be part of subsequent project-level environmental documents. Electromagnetic fields (EMF) was also not one of those topics as requiring corrective work under CEQA. Please see Section 3.6 of the May 2008 Final Program EIR. The analysis identified that the HST project (and its electrical supply and facilities) would have minimal electromagnetic interference (EMI)/EMF exposures at levels for which there are no documented health risks are anticipated and that

EMI/EMF concerns are less than significant at the programmatic level under CEQA and not significant under NEPA. Furthermore, the Authority in the CEQA findings and the FRA in the ROD for the 2005 Statewide Program EIR/EIS adopted design practices and mitigation strategies to address potential EMI/EMF issues for the HST system to be applied and refined at the project-level in the future. It is anticipated that the use of the design practices and mitigation strategies will reduce exposure to EMFs and reduce the potential for EMI with biomedical devices to the lowest practical level.

Standard design practices for overhead catenary power supply system substations, transmission lines, and vehicles of the approved HST system include the use of appropriate materials, spacing, and, if necessary, shielding to avoid potential EMF/EMI impacts and to reduce the EMFs and EMI to a practical minimum. More detailed information and analysis on potential EMI/EMF impacts will be included in project-level environmental documents.

**I028-16**

See Standard Response 10 regarding alternatives.

# Comment Letter I029 (Torre Family, April 22, 2010)

**Kris Livingston**

**I029**

**From:** amyhansen3@aol.com  
**Sent:** Thursday, April 22, 2010 8:00 PM  
**To:** HSR Comments  
**Subject:** Please revise the Draft EIR!

57 Maple Avenue  
 Atherton, CA 94027

April 22, 2010

Dan Leavitt  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

I live Atherton, California at 57 Maple Avenue.  
 The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

- I live within one block of the train tracks
- My beautifully tree lined street will now have the unsightly view of trains whizzing by at all hours
- Heritage trees will have to be cut down, making our once nice and charming neighborhood an eye-sore
- I have two small children (ages 3.5 years and 16 months), and I am concerned for their safety
- My son goes to Preschool (a sensitive receptor) and will be within earshot of the trains whizzing by
- Essentially, my town will now be cut in half, and my children and community will suffer the eye sore, noise vibrations and loss of a once "quaint" neighborhood

I029-1

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above - and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I029-2

I request you to revise the Draft EIR you have prepared, to address my concerns, and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank

I029-3

you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

I029-3  
 cont.

Yours truly,

The Torre Family

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**Response to Letter I029 (Torre Family, April 22, 2010)**

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**I029-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

See Standard Response 3.

More detailed information and analysis of visual, biological resources, safety, noise, and community cohesion and character impacts and mitigation will be included in project-level EIR/EISs.

**I029-2**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I029-3**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

## Comment Letter I030 (Darren Torre, April 22, 2010)

**Kris Livingston**

**I030**

**From:** Darren Torre [dtorre@pausd.org]  
**Sent:** Thursday, April 22, 2010 9:43 AM  
**To:** HSR Comments  
**Subject:** Concern

57 Maple Avenue  
 Atherton, CA 94027

April 22, 2010

Dan Leavitt

California High-Speed Rail Authority

925 L Street, Suite 1425

Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. The Authority's proposed project routing would extremely significant impacts on the San Francisco Peninsula. Impacts would be experienced by me, my family, my neighborhood, and by the natural environment. I can assure you that I am a genuine "expert" with respect to the impacts of the project you propose. These impacts include, but are not limited to, noise and vibration impacts, view impacts, business impacts, impacts on trees and other vegetation, and increased public safety dangers. Many of the listed impacts could be eliminated, or vastly reduced, by choosing a completely different routing solution.

I030-1

I believe the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of existing right of ways along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I030-2

I request you to revise the Draft EIR, and then recirculate a Revised Draft EIR for further review and comment by the public. The Revised Draft should study the following alternative route

[Describe route alternative you prefer, and explain why]. Some possible alternatives include:

- Highway 101 corridor
- Altamont Alignment to Highway 101
- Highway 280 corridor
- Ending the High Speed Train in San Jose
- Other variations

I030-2  
cont.

Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,

Darren Torre



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**Response to Letter I030 (Darren Torre, April 22, 2010)**

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**I030-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

**I030-2**

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

**Comment Letter I031 (Loren Gruner, April 25, 2010)**

**Kris Livingston**

**From:** Loren Gruner [loren.gruner@videosoftware.com]  
**Sent:** Sunday, April 25, 2010 3:43 PM  
**To:** HSR Comments  
**Subject:** Comments on Bay Area to Central Valley Revised Draft Program EIR

98 Walnut Avenue  
 Atherton CA, 94027

April 25, 2010

Dan Leavitt  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

**RE: Comments on Bay Area to Central Valley Revised Draft Program EIR**

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. I live in Atherton at the following address, 98 Walnut Avenue.

The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

The number of trains per day will increase and the level of noise and vibration will become unbearable. With high speed rail, the greater speed and increased height of the trains will severely impact our community. The noise of the trains will travel a much greater distance and the continual vibration will make the homes in our neighborhood significantly less desirable.

Property values have already plummeted with the passing of the HSR measure. Our neighbor purchased a home in the fall of 2006 which kept its value until the HRS measure passed in the fall of 2008. When our neighbor listed the home in the spring of 2009, most of the potential buyers who toured the home decided against purchasing property because they were concerned about the impact of the High Speed train. Ultimately our neighbor sold the home for 30% less than he paid for it as a direct result of the HRS. Since that time many more homes in our neighborhood have come onto the market because of homeowner's fear of how the train will impact our community. Our community is extremely impacted now even before the start of construction. The impact after construction will be even more devastating.

Atherton and the surrounding communities have put in strict ordinances to protect heritage trees and preserve the community. Home owners are not allowed to cut down heritage trees on their property. With the building of the HSR it is estimated that over 3000 trees will be taken out in Atherton alone. This will make the train noise travel a much greater distance, make the train much more visible, and remove trees that are hundreds of years old. With the focus on

**I031**

preserving our community, protecting the environment, and reducing global warming, we need to keep our trees and vegetation.

Throughout history when trains or highways are constructed high in the air, the surrounding neighborhoods suffer. We do not want or need a train that will put a wall into our community and destroy our historical train station.

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above – and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I request you to revise the Draft EIR you have prepared, to address my concerns and that you then recirculate such a Revised Draft EIR for further review and comment by the public. The revised Draft should study the following alternative route: ending the High Speed Rail in San Jose. Passengers can easily connect to the recently upgraded Bullet Train which is underutilized and losing millions of dollars. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Sincerely,

Loren Gruner

cc: U.S. Representative Anna Eshoo  
 State Senator Joe Simitian  
 Assembly Member Ira Ruskin  
 Mayor of Atherton Kathy McKeithen  
 Atherton City Council

I031-1

I031-2

I031-3

I031-4

I031-4  
 cont.

I031-5

I031-6



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**Response to Letter I031 (Loren Gruner, April 25, 2010)**

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**I031-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

**I031-2**

"The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The EIR identified mitigation strategies to address noise and vibration impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Accordingly, a change in the alternative selected may reduce or eliminate impacts along a particular alignment but would not eliminate altogether the impacts of constructing and/or implementing the HST system. More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. See also Standard Response 3.

**I031-3**

See Standard Response 6 regarding property values.

**I031-4**

The visual assessment in the 2008 Final Program EIR considered the visual impact in Atherton and all along the peninsula. The program analysis of the visual impacts relied on measurements taken from

aerial photos. It was determined that the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most all mature trees, if not all, are outside the right-of-way. The Program EIR assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges. The Final Program EIR assumed that Caltrain and HST would remain within the existing right-of-way, meaning that trees outside the right-of-way would not be removed, although some trimming would be required for vegetation intruding on the right-of-way. The trees along the right-of-way would work to screen the visual impact and noise from the project, including any potential soundwalls.

Your citation of an estimate of the potential removal over 3,000 trees in Atherton for the HST project is unsupported by a visual analysis of aerial photos of the Caltrain right-of-way through Atherton. A quick count of trees adjacent to the right-of-way is approximately 250. Many of these trees are well off the right-of-way and would not be anticipated to be removed as part of the HST project.

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Removal of trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of trees along the Caltrain corridor can be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

**I031-5**

The design identified in the 2008 Final Program EIR through Atherton depicts a retained fill up to 15 feet. It was determined that

the existing right-of-way through Atherton was the same width as the right-of-way just north of Atherton where there are currently four tracks. Observation from the right-of-way determined that most mature trees, if not all, are outside the right-of-way. The Final Program EIR assumed a retained fill through Atherton, not an elevated structure, with the train passing over the cross streets on short bridges.

The Atherton train station shelter can be moved slightly away from its current location if the HST project requires it. The historic Millbrae Caltrain station, a much larger structure, was relocated away from Millbrae Avenue in 1980 as part of a road widening project. More detailed analysis can be conducted at the project-level EIR/EIS.

#### **I031-6**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority

does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

See also Standard Response 10 regarding alternatives.

# Comment Letter I032 (Gustavo Eydelsteyn, April 25, 2010)

I032

Kris Livingston

**From:** Gustavo Eydelsteyn [gustavoe@componentone.com]  
**Sent:** Sunday, April 25, 2010 3:49 PM  
**To:** HSR Comments  
**Cc:** elewis@ci.atherton.ca.us; jcarlson@ci.atherton.ca.us; jdobbie@ci.atherton.ca.us; kmckeithen@ci.atherton.ca.us; cmarsala@ci.atherton.ca.us

State Senator Joe Simitian

Assembly Member Ira Ruskin

Mayor of Atherton Kathy McKeithen

Atherton City Council

163 Fair Oaks Lane

Atherton, CA 94027

April 25th, 2010

Dear Mr. Leavitt and the High Speed Rail Authority,

I'd like to comment on the Draft Program Level EIR prepared on the Authority's proposed routing of the system in the SF Bay Area. The current routing (up the CalTrain Corridor) will significantly impact my family, our serene country-like neighborhood, and Atherton in general. I have been following the High Speed Rail direction for the past several years, having served on the Atherton Rail Committee and attended many related meetings. I am definitely a local expert on the subject.

I032-1

"The Town of Atherton desires, insofar as possible, to preserve its character as a scenic, rural, thickly-wooded, residential area with abundant open space and with streets designed primarily as scenic routes rather than for speed of travel." This is quoted directly from our General Plan. High Speed Rail has no business barreling through our "scenic, rural, thickly-wooded, residential area."

The commonly referred to "Berlin Wall" will literally split our quite little town in half, will be an incredible eye-sore, will depreciate the value of our homes by hundreds of thousands of dollars *per home*, and will greatly diminish the quality of living. This is not NIMBYism...Atherton is one of the only rural areas left in this busy, highly populated peninsula. HSR will ruin it and there will be nowhere for anyone to go who desires this type of unique setting within the peninsula. These are impacts that I personally know will occur, unless an alternative route is chosen.

I032-2

The law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed, without adequate analysis, the use of existing rights of way along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I032-3

I vehemently request that you revise the Draft EIR, and then re-circulate a Revised Draft EIR for further review and comment by the public. The revised Draft should study the following alternative route: ending the High Speed Rail in San Jose. Passengers can easily connect to the recently upgraded Bullet Train which is underutilized and losing millions of dollars.

I032-4

Thank you,

Gustavo Eydelsteyn

cc: U.S. Representative Anna Eshoo

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**Response to Letter I032 (Gustavo Eydelsteyn, April 25, 2010)**

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**I032-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

**I032-2**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. Also, visual mitigation strategies were included in the 2008 Final Program EIR to minimize impacts of the project including using aesthetic treatments, landscaping, and design. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the

project level alternatives screening. See Standard Response 6 regarding property value.

**I032-3**

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I032-4**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

See also Standard Response 10 regarding alternatives.

## Comment Letter I033 (Cat Westover, April 25, 2010)

Kris Livingston

I033

**From:** catwestover@sbcglobal.net  
**Sent:** Saturday, April 24, 2010 5:41 PM  
**To:** HSR Comments  
**Cc:** kmckeithen@ci.atherton.ca.us; cmarsala@ci.atherton.ca.us  
**Subject:** Draft Program Level EIR Comments

April 25th, 2010

Dear Mr. Leavitt and the High Speed Rail Authority,

I'd like to comment on the Draft Program Level EIR prepared on the Authority's proposed routing of the system in the SF Bay Area. The current routing (up the CalTrain Corridor) will significantly impact my family, our serene country-like neighborhood, and Atherton in general. I have been following the High Speed Rail direction for the past several years, having been on related committees and attended many related meetings. I am definitely a local expert on the subject.

I033-1

"The Town of Atherton desires, insofar as possible, to preserve its character as a scenic, rural, thickly-wooded, residential area with abundant open space and with streets designed primarily as scenic routes rather than for speed of travel." This is quoted directly from our General Plan. High Speed Rail has no business barreling through our "scenic, rural, thickly-wooded, residential area."

The commonly referred to "Berlin Wall" will literally split our quite little town in half, will be an incredible eye-sore, will depreciate the value of our homes by hundreds of thousands of dollars *per home*, and will greatly diminish the quality of living. This is not NIMBYism... Atherton is one of the only rural areas left in this busy, highly populated peninsula. HSR will ruin it and there will be nowhere for anyone to go who desires this type of unique setting within the peninsula. These are impacts that I personally know will occur, unless an alternative route is chosen.

I033-2

The law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed, without adequate analysis, the use of existing right of ways along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I033-3

I vehemently request that you revise the Draft EIR, and then re-circulate a Revised Draft EIR for further review and comment by the public. The revised Draft should study the following alternative route: ending the High Speed Rail in San Jose. Passengers can easily connect to the recently upgraded Bullet Train which is under utilized and losing millions of dollars.

I033-4

Thank you,

Cat Westover  
 71 Walnut Avenue  
 Atherton, Ca 94027

cc: State Senator Joe Simitian  
 Assembly Member Ira Ruskin  
 Mayor of Atherton Kathy McKeithen

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**Response to Letter I033 (Cat Westover, April 25, 2010)**

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**I033-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

**I033-2**

See Response to Comment I032-2.

**I033-3**

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I033-4**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

See also Standard Response 10 regarding alternatives.



## Comment Letter I034 (Anthony E. Wynne, April 22, 2010)

I034  
APR 26 2010

**Anthony E. Wynne**  
92 Jennings Lane  
Atherton, CA 94027  
(650)363-1654  
[aewynne@yahoo.com](mailto:aewynne@yahoo.com)

April 22, 2010

Dan Leavitt  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Comments to Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority,

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area—specifically, along the Caltrain corridor. This route would bring the high speed rail through numerous residential neighborhoods, requiring grade separation. With the recent release of the Preliminary Alternatives Analysis it now appears that the two most likely options for the vertical placement of tracks from San Jose to San Francisco will be by means of aerial viaduct or raised berms. Again, these elevated structures would pass through several residential neighborhoods.

The high speed rail systems of Europe have been held up by the Authority and its supporters as models of the beauty and efficiency of high speed rail in general, and of the kind of system that could and should be built in California. But Europe, otherwise the model on all things pertaining to high speed rail, has not built elevated trains since the 1930's. They stopped doing so for the same reason California stopped building elevated freeways in the 1970's. The model of going into a community, condemning a right-of-way, and building a noisy, blight-producing facility through its heart, is dead. No European railway has dared to do this for years, and even most state highway departments in the United States now agree that elevated facilities through neighborhoods are destructive. There is not a single instance of a 40-mile elevated railroad built through any European urban area since the 1960's. Quadruple-tracking and elevating the high speed tracks is not only a bad plan, it has nothing to do with modern rail, let alone high-speed rail.

Europe's high-speed railroads are cost effective because they are on the ground. They bypass most intermediate cities instead of blasting through them. California's project should adopt European methods, not build outmoded elevated railroads. To do so will require use of an alignment other than the Caltrain corridor. Other alignments are more esthetically and environmentally feasible, and should be fully analyzed.

I034-1  
cont.

I believe that the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of existing rights of way along Highway 101 and Interstate 280. The law requires you to eliminate or mitigate the undeniable impacts of the project, and to do this in the greatest degree feasible.

I034-2

I request that you revise the Draft EIR and re-circulate the revised draft for further review and comment by the public. The revised draft should study using Highway 101 or Interstate 280 instead, or simply terminating the high speed train in San Jose. It should also study using a different route altogether from the Central Valley to the San Francisco Bay Area, i.e., the Altamont route.

Thank you for your consideration.

Sincerely,

  
Anthony E. Wynne

cc. Town of Atherton

I034-1

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**Response to Letter I034 (Anthony E. Wynne, April 22, 2010)**

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**I034-1**

See Standard Response 10 regarding alternatives.

Asian and European High-Speed Rail (HSR) systems have provided, and continue to provide, safe and reliable revenue operating experience for over 40 years in Japan and over 25 years in France. The development of the California HST System is based on existing worldwide experience of HST systems. All existing HST systems use electric propulsion, with an overhead catenary system, and steel-wheel-on-steel-rail technology. At their top speeds, all HST systems utilize a dedicated, fully grade separated ROW with more stringent alignment and maintenance requirements than those typical for lower-speed lines. Many HST systems are supported by, and connected with, a pre-existing lower-speed, electrified network of track and stations. This is widespread in Germany, common in the rest of Europe, and used on several lines in Japan and Korea.

HST have been constructed in many urban environments throughout the development of HST starting in Japan in the 1960s and France in the 1980s. The Railway Intersection Masaryk / Main Station, Prague, in the Czech Republic is one recent example of a four-track, elevated structure constructed in the heart of a historic city. As discussed in full in Chapter 7 of the 2010 Revised Final Program EIR, one of the reasons the Pacheco Alignment with termini in San Jose and San Francisco is preferred is because it maximizes the use of existing publicly owned rail right-of-way through shared-use with improved Caltrain commuter services. The HST is complimentary to Caltrain and would share tracks with express Caltrain commuter rail services. This is supported by the PCJPB (Caltrain).

The Bay Area to Central Valley High-Speed Train HST Program environmental process did not select a vertical alignment. However, the precise alignment and profile options for the HST system in the Caltrain Corridor will be evaluated and refined as a part of the

project-level preliminary engineering and environmental review if this corridor moves forward. Use of a trench or tunnel concepts in sensitive areas or where it is an appropriate and necessary design option is being further evaluated with more detailed study during this phase. Some of the criteria for the evaluation would include overall ground footprint, potential right-of-way requirements, environmental impacts, constructability and construction methods, costs, as well as community cohesion (access across existing corridor). The process will also provide an opportunity for the communities and cities to comment and provide feedback.

**I034-2**

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA. S

See also Standard Response 10 regarding alternatives.

**Comment Letter I035 (Anthony E. Wynne, April 19, 2010)**

**I035**

**Anthony E. Wynne**  
92 Jennings Lane  
Atherton, CA 94027  
(650)363-1654  
[acwynne@yahoo.com](mailto:acwynne@yahoo.com)

April 19, 2010

Dan Leavitt  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Comments to Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority,

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. The Authority's proposed project routing along the Caltrain corridor would have significant and devastating impacts on the wildlife that lives in and along the corridor.

The Caltrain corridor between San Jose and San Francisco is a narrow greenbelt and de facto wildlife preserve. In several places, it is a wetland, also. I have personally observed this over the course of 15 years of daily commuting to and from San Francisco from Atherton and later Menlo Park, as well as occasional trips to and from San Jose. In areas where the track is at grade the growth of trees, bushes and grass has been largely unchecked, producing a habitat teeming with wildlife. Birds and small mammals have found a way to coexist with the tracks and the passage of passenger and freight trains. It is difficult to document or even photograph this wildlife, since pedestrian traffic is prohibited along the right of way. (Apparently, so much the better for the wildlife.) Nevertheless, it can be seen (sometimes only glimpsed) from the passing train.

Some of the "wetlands" referred to are undoubtedly seasonal. Others, however (for example, the east side of the tracks south of Hayward Park, and again south of Bayshore), contain cattails and appear to be permanent ponds. I have seen mallard ducks in both these places, and redwing blackbirds among the cattails. I have also seen snowy egrets in these areas, as well as great blue herons. The mammals are harder to spot. In some areas, small animal trails can be seen in the grass, good indications of the nocturnal movements of raccoons and skunks.

The Caltrain corridor doubles as an urban (or suburban) wildlife preserve for most of the length of the Peninsula. In that sense and for that purpose, it is priceless and irreplaceable. Whatever high speed rail track construction is eventually used is bound to disrupt and probably destroy this habitat.

I035-1  
cont.

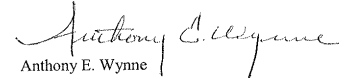
I believe that the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of existing rights of way along Highway 101 and Interstate 280. The law requires you to eliminate or mitigate the undeniable impacts of the project, and to do this in the greatest degree feasible.

I035-2

I request that you revise the Draft EIR and re-circulate the revised draft for further review and comment by the public. The revised draft should study using Highway 101 or Interstate 280 instead, or simply terminating the high speed train in San Jose.

Thank you for your consideration.

Sincerely,

  
Anthony E. Wynne

cc. Town of Atherton

I035-1

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**Response to Letter I035 (Anthony E. Wynne, April 19, 2010)**

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**I035-1**

See Response to Comment I005-2. Concerns regarding potential for the HST to result in biological impacts along the Caltrain corridor are acknowledged. More detailed analysis of potential biological impacts will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement, and alignment variations will also be further considered.

**I035-2**

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA. S

See also Standard Response 10 regarding alternatives.

Comment Letter I036 (Thomas\_D\_Holt, April 25, 2010)

I036

40 Moulton Dr.  
Atherton, CA 94027

April 25, 2010

RE: Comments on Bay Area to  
Central Valley Revised Draft Program EIR

3 page Fax to: (916-322-0827)

Mr. Dan Leavitt  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Dear Mr. Leavitt:

I am writing to you (and the HSRA—High Speed Rail Authority) to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

As a long-time Atherton resident (56 years), I can remember the days when steam engines were the norm. We live about .4 miles from the Caltrain tracks and I can speak with authority regarding the impact of the proposed routing (Caltrain alignment):

1. **Property tax impact:** Since HSRA offers no hard data, I used the web site Zillow.com to scan the property values from West Charleston in Palo Alto north to 5<sup>th</sup> Avenue in Redwood city (6 miles along the tracks, or about 9% of the proposed Peninsula route, all currently with just two Caltrain tracks). I estimated over 450 private residential properties directly adjacent to the tracks that would be either subject to eminent domain or severely impacted by the addition of two additional tracks (for the four required for high-speed rail and Caltrain/freight). I estimated an additional 4,500 residences (just within .4 miles of the tracks, although property devaluation would extend well beyond .4 miles on either side of the tracks). These properties would be severely impacted in terms of property value and noise / vibration (see 4. below). While prices on Zillow are not always accurate—they err on both the high side as much as the low side, assuming the mean price from Zillow smoothes any error, I estimated the average value of properties directly adjacent to the tracks to be about \$1.1 million, and the average price for properties within .4 miles to be \$1.3 million. We have already seen a devaluation of properties in our neighborhood due solely to the "proposed" HSR. Based on discussions with two local realtors, it is estimated that properties directly adjacent to the tracks would lose at least 20% of their value, and those within .4 miles approximately 10% of their value. The net devaluation for this six-mile stretch would be:  
(450 x .20 x \$1.1M) + (4,500 x .10 x \$1.3M) = \$684 million lost property value.  
This would reduce property taxes revenue by about \$4 million per year for just 9% of the length of the proposed Peninsula route. Since not all of the Peninsula has the same

I036-1

property / residential profile as Palo Alto to Redwood City, instead of saying the \$4 million lost tax revenue is 1/11 (9%) of the impact, let's be conservative and say the \$4 million is only 1/3 of the lost property tax. This results in an estimated \$12 million in lost tax revenue for properties impacted along the proposed route. At \$120 for a ticket on the HSR (a price which seems to go up with each HSRA "revision"), it would take 100,000 one-way passenger trips on the HSR (*per year*) just to cover the lost tax revenue. This is not an impact that can be justified (or tolerated) given the status of California's finances.

I036-1  
cont.

2. **Property Devaluation:** While this may not fit the criteria for environmental impact, nonetheless, the HSRA has shown no sensitivity to the economic impact of property devaluation on the residents of the towns along the proposed route. Based on the Zillow analysis above, the lost property value along the proposed route could exceed \$1 billion. Transparency and full disclosure demands that before proceeding, the HSRA publish a detailed analysis of the impact of property devaluation on communities along the proposed route, versus devaluation/impact on properties along alternate routes.

I036-2

3. **Business impact:** It was more difficult to discern financial impact on businesses from my analysis of Zillow data, but I estimate at least 300 (primarily small) businesses would have to relocate if the proposed Peninsula route was used. As a small business owner, my insurance company recommends business-disruption coverage equal to three months of revenue (1/4 year). The cost to local businesses along the proposed route will include relocation, sales downtime, and lost customers—say half that 1/4. Assuming average small business revenues of \$250,000 (low), the revenue loss might be at least:  
300 x 1/8 x \$250k = \$9.4 million (equal to 78,000 one-way passengers).

I036-3

4. **Mental health:** The World Health Organization (WHO) recommends a 55 decibel ambient noise level in residential communities. Caltrain currently doubles that at the six local crossings near our home, and while HSRA suggests grade-separation and an electrified service would reduce overall noise levels, I remember from several minor Caltrain construction projects (often carried out at night) that the noise was significant (preventing sleep). So while I have no hard data on noise levels for past projects or train operations, likewise, apparently neither does HSRA. I challenge HSRA to produce hard data (obtained from independent study of *equivalent* high-speed trains in Europe and Japan) on the noise and vibration levels, as measured in increments of 10 feet from the tracks all the way to 1000 feet, and how such levels reconcile with WHO recommendations, and to show a type of topographical map of noise/vibration offset against population density. While difficult to measure and thus put a cost on, I am willing to bet that over 25,000 people living within .4 miles (on either side) of the Caltrain alignment (from San Jose to San Francisco) would claim their quality of life and mental health has been *severely* impacted, both by the lengthy construction and the operation of a high-speed rail down the Peninsula/Caltrain alignment. This is not a situation like Dulles (IAD) Airport, where urban development slowly encroached on the originally remote airport area. High-speed rail up the Peninsula *is* a situation where "established" communities *will* be encroached upon by HSR.

I036-4



## Comment Letter I036 - Continued

5. **Earthquake safety impact:** I spoke with a retired executive engineer at USGS who evidently submitted to HSRA recommendations for speed abatement and control based on 15-second earthquake predictions (a feasible USGS estimate). Even at reduced speeds (120mph), a high-speed train would require over 60 seconds to reduce speed to under 30mph (it's a simple matter of momentum and friction). The proposed route, even with eminent domain removal of some properties, would still run dangerously close to many residences and businesses, and given an earthquake, the probability that a high-speed train would leave the tracks is significant. To ignore this reality is to suggest that Caltrans has wasted billions of dollars on highway and bridge earthquake retrofitting.

I036-5

6. **Community destruction impact:** As a long-time resident and hence "expert" on our delightful community (with downtown Menlo Park as our hub), I can state unequivocally that a high-speed rail, requiring at least four total tracks to accommodate Caltrain, HSR, and freight, would destroy the nature and heritage of our community. Period. This would have additional ripple effects on business, mental health, and tax revenues.

I036-6

7. **Incongruous comparisons:** The primarily residential zones represented by Menlo Park, Palo Alto, Atherton, and other communities do not compare to the "industrial" zone of San Carlos. The impact documented by HSRA should not cite San Carlos as a city/zone with "typical" impact.

I036-7

I request you to revise the Draft EIR, and then distribute a Revised Draft EIR for further review and comment by the public, including study of the following alternative routes:

- Highway 101 corridor – little residential impact
- Altamont Alignment to Highway 101 – lower residential impact and cost, less tax revenue loss (preferred)
- Ending the High Speed Train in San Jose – this makes sense (the original bill not permitting passenger transfer between Los Angeles and San Francisco, e.g., at San Jose, is an obvious sham). End the high-speed rail in San Jose, use the baby-bullet from SJ to SF, electrify Caltrain. This yields lower cost, much less residential impact, improved energy conservation and less noise.

I036-8

The impacts I have listed are in addition to the impacts that the proposed project would have on the natural environment. I ask the Authority properly to address my comments, as the law requires. The California Environmental Quality Act (CEQA) requires the Authority to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible.

I036-9

You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

Sincerely,



Thomas D. Holt  
Atherton, California



**Response to Letter I036 (Thomas D. Holt, April 25, 2010)****I036-1**

See Standard Response 6 regarding property values.

**I036-2**

See Standard Response 6 regarding property values.

**I036-3**

See Standard Response 6 regarding property values.

**I036-4**

See Response to Comment I022-3. More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

**I036-5**

A ranking of alignments in terms of seismic hazards and potential for surface rupture (Active and Potentially Active Fault Crossings) is provided in Chapter 3.13, Geology of the 2008 Final Program EIR allowing for a comparison of relative potential impacts. Mitigation strategies for seismic events are provided in Chapter 3.13.5. As noted in this section: "Mitigation of potential impacts related to geologic and soils conditions must be developed on a site-specific basis, based on the results of more detailed (design-level) geologic and geotechnical engineering studies. Consequently, geologic and geotechnical mitigation would be identified in subsequent, project-level analysis rather than at the program level."

Chapter 3.13.5A provides mitigation for seismic events, which states:

The potential for traffic safety issues related to ground shaking during a large earthquake cannot be mitigated completely; this holds true for most vehicle transportation systems throughout California. However, some strategies are available to reduce hazards, including the following:

- Design structures to withstand anticipated ground motion, using design options such as redundancy and ductility.
- Design and engineer all structures for earthquake activity using Caltrans Seismic Design Criteria.
- Prevent liquefaction and seismically induced settlement, and the resulting structural damage and traffic hazard impacts, using soil densification techniques such as preloading, stone columns, deep dynamic compaction or grouting.
- Design and install foundations resistant to soil liquefaction and settlement, e.g. deep foundations.
- Utilize motion-sensing instruments to provide ground motion data and a control system to temporarily shut down HST operations during or after an earthquake to reduce risks."
- Apply Section 19 requirements from the most current Caltrans Standard Specifications to ensure geotechnically stable slopes are planned and created, using buttress berms, flattened slopes, drains, and/or tie-backs in areas of potential seismically induced slope instability.

Note that steel wheel on rail HST systems have been operated in seismically active areas of the world for many years, e.g. the Japanese Shinkansen for over 45 years.

**I036-6**

The June 5, 2003 "Report to City Council on Menlo Park Grade Separation & New Station Feasibility Study" found that while a four-track grade separation of Encinal, Glenwood, Oak Grove and Ravenswood, would impact mature trees, these trees could be moved to provide screening of neighboring properties from the completed project. It would also require no "significant permanent right-of-way takes from private property owners."

The introduction of HST to the Caltrain corridor as depicted in the 2008 Final Program EIR assumed a similar configuration in Menlo

Park. While there could be impacts, they would be mitigated to the extent feasible. Most residents would see a benefit, as travel across the rail corridor would no longer be disrupted by waiting for trains at grade crossings. Neighbors who now hear the mandated blowing of a horn when any train approaches a grade crossing, four blows in the course of 8,000 feet of travel through Menlo Park's grade crossing, would have this impact eliminated.

**I036-7**

The commenter states that the analysis improperly used San Carlos as typifying an impact to Peninsula cities. However, a search of the Revised Draft Program EIR Material found no place where San Carlos was used to represent a typical impact. Because the commenter does cite the location of the material referenced, no further response can be provided.

**I036-8**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

See also Standard Response 10 regarding alternatives.

**I036-9**

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

Comment Letter I037 (Douglas H. Hamilton, April 25, 2010)

I037

DOUGLAS H. HAMILTON  
CONSULTING GEOLOGIST

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Tel: 650 321 3071 • Fax: 650 328 8712 • email: geoconsult@dhhamilton.com

09-26-'10

Mr. Dan Leavitt,  
California High Speed Rail Authority

Dear Mr. Leavitt;

My comments relating to the Draft Program EIR for the Bay Area to Central Valley HST follow. I am also attempting to email the same material to you, which will present the two attached figures in color, and am putting a hard copy in the mail, which will also have the figures in color.

This fax is being sent to ensure meeting today's deadline for submission of comments.

Douglas H. Hamilton

California Registered Geologist No. 56 • Certified Engineering Geologist No. 31  
Washington Engineering Geologist No. 1710

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April 25, 2010

Mr. Dan Leavitt  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, California, 95814

Subject: Comments Regarding the Document "Bay Area to Central Valley High Speed Train, Revised Draft Program Environment Impact Report Material"

Dear Mr. Leavitt;

My comments regarding the referenced document relate (1.) to the overall economic viability and operating premises of the HST scheme of the HST Authority, (2.) to particular aspects of the scheme, especially seismic hazard and (3.) to my proposed alternate layout of an Altamont HST alignment between Altamont Pass and the San Francisco International Airport. These comments follow a statement of my professional qualification and background.

Qualifications

The writer's background includes education and practical experience of more than fifty years in the fields of engineering and seismic geology as applied to large scale construction projects in seismic regions. He has BS, MS and Ph D degrees from Stanford University and long time memberships in professional and academic societies including the Association of Engineering Geologists, American Geophysical Union, Geological Society of America, etc. His professional career includes more than 30 years as Senior employee and then Principal/CEO of Palo Alto-based consulting geotechnical engineering and engineering geology firms, followed by 17 years and continuing as an individual consultant. In addition to work on major water supply, hydroelectric and nuclear power projects he has provided consulting services to Cal Trans for the Devils Slide Tunnel, new east span of the San Francisco-Oakland Bay Bridge, Dumbarton Bridge and Antioch Bridge. His current clients include the Northern California Power Agency, the Santa Clara Valley Water District, the South Feather Water and Power Agency, and Tacoma

California Registered Geologist No. 56 • Certified Engineering Geologist No. 31  
Washington Engineering Geologist No. 1710

**Comment Letter I037 - Continued**

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California High Speed Rail Authority  
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Power, as well as the U.S. Department of Justice and a major Southern California law firm. He is licensed as a Professional Geologist and Certified Engineering Geologist in California and as an Engineering Geologist in Washington.

I037-1  
cont.

**Comment regarding overall economic viability of the HST scheme**

This issue has three basic components: (1.) Construction/Financing Cost, (2.) Operating Cost, and (3.) Revenue. Clearly for any scheme that does not receive taxpayer funding, component (3.) must at least equal the sum of components (1.) and (2.). For the HST scheme at this Program Draft EIR stage, the values of all of these components can only be educated, or blindly hopeful guesses, in whatever level of detail they are presented by either the HST Authority proponent or the opponents of the scheme. But certain trends are already becoming apparent. These are that both the (1.) construction financing cost and the (2.) operating cost estimates are being increased, requiring a near doubling of the required (3.) revenue side of the equation. This of arithmetic necessity has in turn required (so far) a near doubling of the projected HST ticket price, which has highly negative implications for the competitiveness and hence volume of ridership, of the HST scheme. None of this bodes well for the economic viability of this vastly expensive project, even according to the current estimates of the Authority's paid consultant. But here it is instructive to review what has actually happened with large scale projects during the past several decades. Four examples can be cited (three of which included work by the writer) but there are plenty of others as well. The four examples, in their order of occurrence are the following:

I037-2

1.) Diablo Canyon Nuclear Power Plant. Pacific Gas and Electric Company (PG&E) began planning for this 2300 MW 2-unit power plant in around 1963 and by about 1966, had developed a cost estimate for its construction of c.\$500 million or somewhat less. Its operating costs were projected to be only a few cents per kilowatt hour which would have allowed for very low costs to PG&E's captive Rate Payers and following many delays and requirements for seismic and other upgrades, the cost was still only c.1.2 billion or between 2 and 3 times the original

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California High Speed Rail Authority  
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estimate, by 1981, when the plant finally received an operating license from the Nuclear Regulatory Commission. Then the fact that an enormous design error had occurred during part of the seismic upgrades process was discovered and 3 more years of reanalysis and construction upgrades ensued, all while capital costs were accumulating with no balancing revenue. When the plant finally went online in 1984, its cost was \$5.6 billion, nearly all of which the California Public Utilities Commission allowed PG&E to pass on to its captive customers. The resulting rates are among the highest in the U.S.

2.) The Boston Central Artery/Tunnel, known as the "Big Dig" and the project most like the HST scheme among those cited here. This complex, difficult project was originally estimated to cost c. 1-2 billion to construct, but ended with a cost of c. 14 billion. The Boston taxpayers are making up the difference.

I037-2  
cont.

3.) The east span of the San Francisco Bay Bridge replacement. This project was originally estimated to have a construction cost of c. 2 billion. Its estimated cost is now in the range of 10-12 billion assuming the "signature" single point suspension span construction doesn't somehow go wrong.

4.) Devils Slide Tunnel, on Highway 1 south of San Francisco. The construction cost for this 2-bore highway tunnel was estimated at \$150 million at an advanced stage of design, but is now expected to be \$270 million, making the increase of 180% seem almost trivial. But a 180% overrun in the cost of the HST scheme, which seems likely to be a minimum based on the available comparative examples, would require a four or five-fold increase in ticket cost.

**Comment regarding alignment alternatives**

If despite the fiscal irresponsibility and questionable operational premises of the HSR scheme being planned by the HSR Authority, the Authority still manages to proceed with this scheme, it should be incumbent on the Authority that the alignment layout now proposed by the Authority

I037-3

## Comment Letter I037 - Continued

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be reconsidered and revised. Considerations that support the need for reconsideration of the Pacheco alternative that is being vigorously promoted by the Authority versus the Altamont alternative, include the following:

1. Relative seismic hazard,
2. Relative operating cost
3. Service access to potential HST users and
4. Impact on property values and quality of life, for the population along the two main HST alternative alignments.

I037-3  
cont.

For the writer's comment regarding relative seismic hazard, a plot has been prepared showing the Authority's layout of the various alignments it has considered, emphasizing the Pacheco alternative it favors, plus a modified Altamont alternative developed by the writer. These alignments are plotted on a copy of the California Geological Survey "Fault Activity Map of California" in order to provide reference to the recognized seismic source structures in the Bay Area-to-Central Valley sector of the overall HST layout.

As shown on Figure 3-1, "Relation to Existing Transportation Corridors" from the subject Draft Program EIR, the HST Authority's Pacheco and Altamont alignments diverge northward at the DT Merced Station point and rejoin at the Millbrae – SFO point. As scaled from Figure 3.1 the two alternative alignments are each approximately 135 miles long so they cannot be differentiated by distance. At the surface, however, the Pacheco Pass alignment is some 360 feet higher in elevation than the Altamont Pass alignment. (The implications of this elevation difference will be discussed further on). Each alignment crosses the entire width of the Diablo Range although the amount of actual mountainous terrain is much less for the Altamont alignment since much of its Diablo Range traverse is in the Livermore and Sunol Valleys. The HST Authority Altamont alignment, however, is shown (implausibly) as extending directly across the several ridges of the southern East Bay Hills, which form a topographic barrier at c.750 feet elevation in the vicinity of the HST alignment. Seemingly, crossing this terrain barrier

I037-4

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could only be accomplished by boring an approximately 6 miles long tunnel through it. This would then be one of the longer transportation tunnels in North America.

Both the Pacheco and Altamont HST alignments involve several crossings of known active faults bordering and lying within the northern Diablo Range so the two alignments are similar in this respect. The difference in seismic exposure between the alignments instead lies with the length of the alignment parallel and in relatively close proximity to, potentially seismogenic faults. For this case fully 70 miles of the Pacheco alignment follows the narrow geological sliver of ground between the San Andreas and the Calaveras-Hayward faults while only the northernmost 15 miles of the Altamont alignment (which parallels the corresponding part of the Pacheco alignment) has a similar relationship to the San Andreas fault. It should also be noted that at two locations the Pacheco alignment is essentially tangent to the leading-edge traces of seismogenic faults of the San Andreas – bordering frontal fault system facing and overthrusting the Southern San Francisco Bay plain and the Santa Clara Valley.

I037-4  
cont.

The significance of this disparity in exposure to near-field seismic strong motion between the Pacheco and Altamont HST alignments is not regarding the feasibility of constructing the HST trackage, since that is merely matter of providing suitable earthquake-resistant design and construction. It is instead, the susceptibility of trains traveling at HST speeds to being derailed by the sudden, unpredictable onset of pulses of strong vibratory ground motion. As anyone knows who has been in a moving motor vehicle during a strong earthquake (as many were in the Bay Region during the Loma Prieta earthquake in 1989), the vehicle becomes almost or sometimes completely uncontrollable. Furthermore the earthquake motion is amplified for elevated structures so that the likelihood of derailment of a fast moving train from an elevated track, such as the HST Authority proposes for the heavily populated central Peninsula segment of its Pacheco alignment, is vastly increased. But even at low speeds on surface trackage, historical experience demonstrates there to be a hazard of derailment during earthquakes. Locomotives were thrown or tipped from their tracks and ended up lying on their side adjacent to the tracks as a result of strong motion during earthquakes near Lumpoc in south-central



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California in 1902 and near Point Reyes Station in northern California in 1906. But at least these derailments were in rural areas and the locomotives simply tipped over. Derailment of an HST moving at 100 plus mph on an elevated track through the homes, schools and businesses of the mid Peninsula would be another matter, with potential for mass casualties and property destruction. And it is to be emphasized that this hazard is governed by Newtonian physics; it cannot be "designed away". Basically the only mitigation is for HST trackage to be subgrade or underground or for there to be a wide safety corridor on both sides of the HST tracks. The latter form of mitigation would result in a wide Berlin Wall-like cleared swath with the tracks running in the middle.

2. Relative operating costs.

One of the significant operating costs for an HST is the cost of electricity to run the HST. Again, basic physics plays an unavoidable role, in that it takes more energy to gain elevation. In comparing the Pacheco and Altamont HST alignments, it is noteworthy that Pacheco Pass at 1368 elevation is 628 feet higher than Altamont Pass at 740 feet elevation. This differential of 628 feet means that, with the HST Authority-projected 228 HSTs per day a total of  $228 \times 628 = 143,184$  feet (27 miles or 5 Mt. Everest's) of additional elevation rise per day, will be required for the Pacheco HST alignment compared to the Altamont alignment. This differential will not be cancelled by use of a new HST tunnel beneath Pacheco Pass to lower the grade there, since the grade could equally well be lowered for the Altamont Pass crossing. Clearly it would be much more expensive to lift the HST 27 miles more per day for the Pacheco alignment.

3. Service Access to potential HST users.

The southerly 80 miles of the San Francisco-Central Valley Pacheco alignment traverses thinly populated terrain, thus, while getting from Morgan Hill to Merced quickly, provides no useful access to potential HST users. The Altamont alignment in contrast, passes near a succession of population centers and also provides a logical point of departure for a branch line giving access

I037-4  
cont.

I037-5

I037-6

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to the Stockton and Sacramento population centers. In contrast, establishing access for the southern East Bay (Union City), southern San Ramon Valley (Pleasanton), Livermore, and Tracy population centers plus providing a branch line accessing Stockton and Sacramento from a Pacheco Alignment into the Bay Region, would require construction of an Altamont alignment in addition to the Pacheco alignment.

I037-6  
cont.

4. Impact on property values and quality of life for the population living along the two main alternative HST alignments

It is obvious and indisputable that the most adverse impact on quality of life and values of residential property by an HST will occur in connection with establishment of the HST on elevated and/or at-grade tracks in the existing Cal Train corridor, between San Jose and San Francisco. The adverse impact along this segment of a Pacheco alignment would be greatly reduced or even changed to a positive impact if a subgrade configuration was utilized within the existing Cal Train right of way. But the operational hazards of running both HST, commuter Cal Tran trains, and Union Pacific freight trains in close proximity in parallel tracks can hardly be overstated. A rational design, instead, requires that the HSTs be run along a separate alignment. Such an alignment is proposed in the following section of these comments.

I037-7

Proposed revised Altamont HST Alignment

The foregoing comments focused on the general economic viability of the HST scheme, and on four critical areas in which the HST Authority-promoted Pacheco Pass alignment compares unfavorably with an Altamont Pass alignment. Here an alternate version of an Altamont Pass-San Francisco Bay Margin alignment is identified and briefly discussed. The layout of this alignment is shown on the attached map, which is a reduced scale compilation of several USGS 1:100,000 scale metric series maps.

I037-8



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The alternate Altamont alignment is similar to the HST Authority alignment only in that it crosses Altamont Pass and the south end of San Francisco Bay adjacent to the Dumbarton Bridge. The major segments of this alternative alignment, starting at the Central Valley margin west of Tracy, are the following:

- 1.) Altamont Pass
- 2.) Southeastern Livermore Valley
- 3.) Vallecitos Hills and Valley
- 4.) Sunol – Valley crossing
- 5.) Mission Pass
- 6.) Southeast margin of San Francisco Bay (including the San Jose access spur)
- 7.) South Bay crossing, and
- 8.) Southwest margin of San Francisco Bay

Significant features of an HST scheme constructed and operating along this alignment are noted below.

1.) **Altamont Pass**

This segment crosses the hills that lie between the Central Valley and Livermore Valley, mostly following the old little-used Altamont Pass road but merging with and paralleling the alignments of the Southern Pacific and Western Pacific rail lines from Altamont Pass down the canyon of Altamont Creek to its junction with the I-580 freeway. The alternate alignment then passes beneath the spur of the ridge on the south side of the lower reach of Altamont Creek canyon via a 3500 feet long tunnel, emerging at the foothills margin of Livermore Valley. This alignment segment also utilizes a 2000 feet long tunnel immediately east of the top of Altamont Pass in order avoid the canyon narrows there and smooth the alignment curvature which would otherwise be required. The east end of this segment is at elevation 160, the high point at elevation 740 and the west end at elevation 700. The segment length is c.9 miles and the maximum gradient along it is 3% in one 3000 feet reach. This gradient could be reduced to 2%

I037-8  
cont.

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either by raising the east end of the reach by placing it in a side hill cut or lowering its west end by means of a local trench.

The east end of the Altamont Pass segment is in the vicinity of the Coast Ranges-Central Valley fault, which is poorly defined at the surface but is a potential source of intermediate magnitude earthquakes.

2.) **Southeastern Livermore Valley**

This segment crosses the southeastern margin of Livermore Valley. The segment traverses gently northwest sloping terrain, and lies along the north side of the major power line corridor across this area. Its elevation ranges from 700 feet at its east end to 580 feet at its west end. The segment length is 8 miles. The land along this alignment segment is mostly agricultural but the alignment passes near a water supply reservoir and filtration plant and more significantly, the southeast corner of the mile-square Lawrence Livermore National Laboratory complex. The segment crosses the trace of the active Greenville fault near its east end, and parallels the Los Positas fault along much of its length.

I037-8  
cont.

3.) **Vallecitos Hills and Valley**

This segment traverses the Vallecitos Hills via a 5000 feet long tunnel and then extends along the floor of the entire length of Vallecitos Valley, paralleling the major power line corridor there for a distance of 1.3 miles. Its elevation drops gradually from 580 feet at its east end to 300 feet at its west end. The WNW-ESE aligned Verona thrust fault, which forms the southwest margin of the Vallecitos Hills, may intersect this alignment segment near the east end of Vallecitos Valley.

4.) **Sunol Valley crossing**

This 1.5 mile-long alignment segment crosses Sunol Valley at 250 feet elevation. The segment parallels the northwest side of the local reach of the I-680 freeway, and crosses the trace of the NNW aligned Calaveras fault near the junction of Highways 84 and I-680.

## Comment Letter I037 - Continued

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### 5.) Mission Pass

This approximately 3 mile-long segment crosses the East Bay Hills southwest of the Sunol Valley, paralleling the I-680 freeway. The northeast (Sunol Valley) end of the segment is at elevation 300, its central reach across Mission Pass is slightly higher than elevation 600, and its west end, where it enters the Mission San Jose District of Fremont, is at about elevation 250.

The maximum surface gradient along this segment is 8%, which is too steep for HST use, however a 7000 feet long tunnel, with a northeast portal at elevation 500 and a southwest portal at elevation 400 would eliminate this problem. In this case the northeast portal at elevation 500 would be the high point of the segment.

### 6.) Southeast margin of the San Francisco Bay

This 12.5 mile long segment begins at the edge of the East Bay Hills and ends near the east shoreline of the south bay. Its elevation gradually declines over this distance from 250 feet to sea level. The northeasternmost approximately 2 miles of this segment parallels the north and west side of the I-680 freeway. It then turns into a southwesterly course that parallels a major power line corridor for 2 miles. The segment then turns west and arcs across terrain mostly used for salt evaporation ponds for a further 7 miles, to the Bay margin.

A junction located near the northeast end of this segment provides a branch segment leading to a station in San Jose. The Hayward fault extends through this branches junction area. This is the most active of any of the faults present in direct proximity to the Altamont alternate alignment.

### 7.) South Bay Crossing

This approximately 1.5 mile long segment crosses the open water of the southerly part of San Francisco Bay. Here the HST alignment would have to be via a new dedicated bridge, or a tube beneath the bay.

I037-8  
cont.

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### 8.) Southwest margin of San Francisco Bay

This approximately 17 mile segment of the Altamont alternate alignment would follow a power line corridor that parallels the shoreline. Going northwest from the southwest end of the Dumbarton Bridge the alignment segment gradually converges with both Highway 101 and the Cal Train right-of-way being promoted as the HST Authority's preferred Pacheco HST alignment through the San Francisco peninsula. The convergence occurs at the Highway 101 exit to San Francisco International Airport and the two alignments merge into one continuing on to the HST terminus in San Francisco.

The Altamont alternate HST bay margin alignment traverses environmentally sensitive terrain but avoids built up areas of human settlement except where it crosses the Foster City development on Brewer Island. And this alignment does not cross pristine bay margin terrain since as noted above, a power line corridor already exists along it.

Foundation conditions along most of this segment are relatively poor but both highway bridge footings (Dumbarton, San Mateo) and engineered fill developments (Foster City, San Francisco International Airport) have been constructed and performed satisfactorily including during the 1989 Loma Prieta earthquake.

Further to the issue of earthquake hazard, it may be noted that the shoreline segment of the Altamont alternate HST alignment is between 2 and 4 miles farther away from the San Andreas fault earthquake source than the corresponding reach of the central peninsula Cal Train alignment. This reduces but probably does not eliminate the hazard of earthquake-induced train derailment for the shoreline alignment as compared to the Cal Train alignment.

Seemingly, use of this alternate HST alignment segment would largely mitigate most of the highly adverse effects of a surface or elevated HST configuration using the Cal Train corridor through the San Francisco Peninsula region.

I037-8  
cont.

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**Comment Letter I037 - Continued**

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Mr. Dan Leavitt  
California High Speed Rail Authority  
April 25, 2010  
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I appreciate having the opportunity to provide the foregoing comments regarding the Program EIR for the HST scheme.

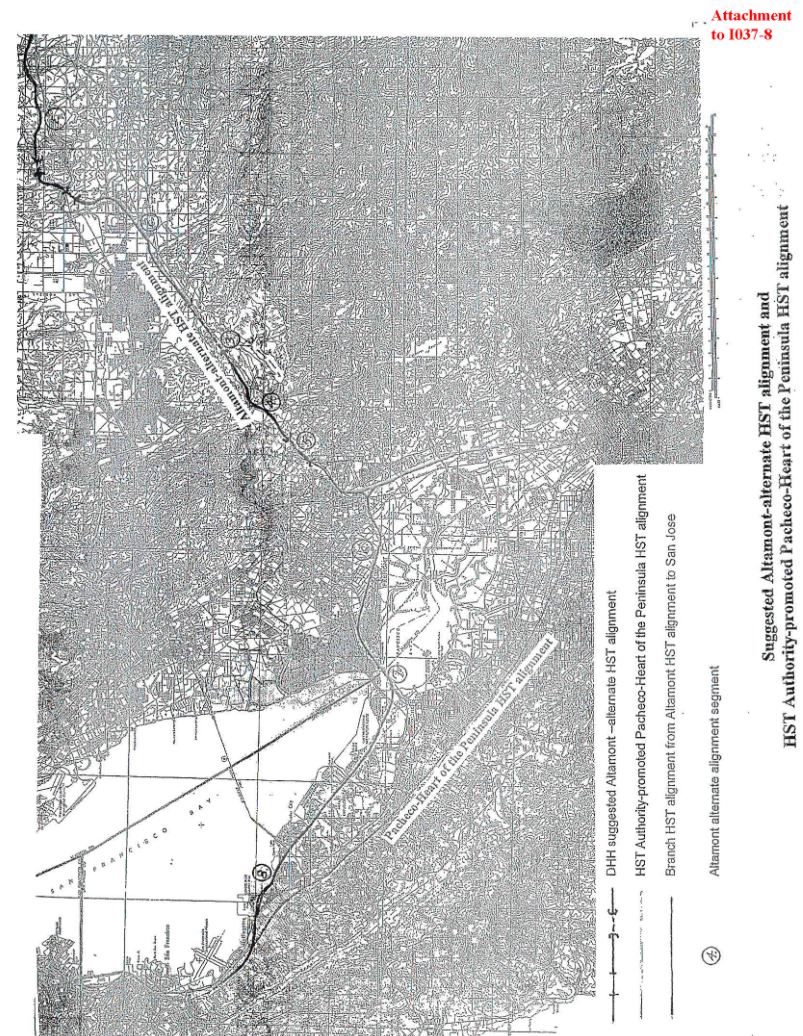
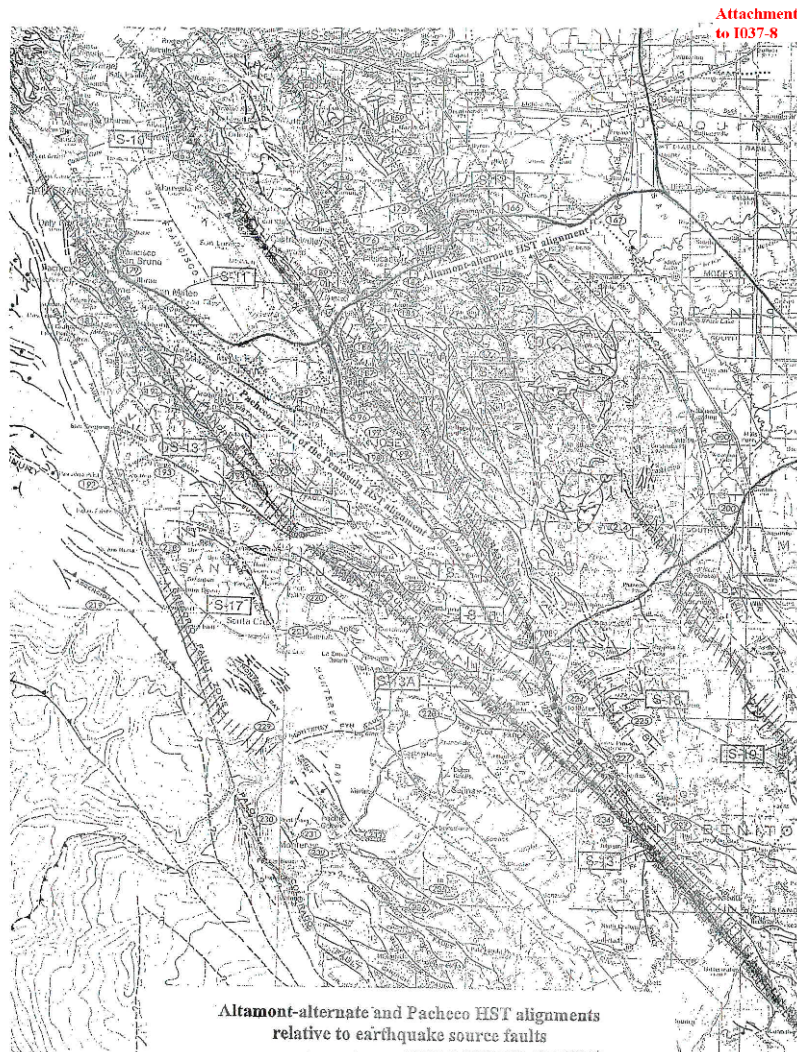
Yours very truly



Douglas H. Hamilton, Ph D, C.E.G.



Comment Letter I037 - Continued



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**Response to Letter I037 (Douglas H. Hamilton, April 25, 2010)**

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**I037-1**

Comment acknowledged.

**I037-2**

Comment acknowledged. The purpose of the 2010 Revised Final Program EIR Material is to appropriately address the environmental impacts of the alternatives. The more detail economic issues related to development of the High-Speed Train system are part of the Authority's ongoing business and fiscal planning.

**I037-3**

The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material evaluated 21 representative network alternatives for connecting the Bay Area to the Central Valley against. As noted in Chapter 7 of the 2010 Revised Draft Program EIR Material, Chapter 7 of the 2008 Final Program EIR summarizes and compares the relative differences among physical and operational characteristics and potential environmental consequences associated with the HST alignment alternatives and station location options, including: Physical/operational characteristics, Potential environmental impacts.

This evaluation includes the factors identified in this comment letter. Please see Standard Response 6 regarding property values.

**I037-4**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Geology and soils was not one of those topics. Please see Section 3.13 of the 2008 Final Program EIR. Due to the dramatic nature of the Diablo Range topography and the alignment criteria for HST, long tunnels may be required and would be feasible. More detailed information and analysis will be part of a project-level EIR/EIS because the determination of impact is a product of the HST system design and

can only be done at the project level. See also Standard Response 3 and Response to Comment I036-5.

**I037-5**

This comment requests consideration of detailed information that cannot be known at the program level because the project design and engineering has not progressed to the point where that analysis can be completed.

**I037-6**

See Response to Comment L022-1.

**I037-7**

Comment acknowledged. The precise alignment and profile options for the HST system in the Caltrain Corridor will be further evaluated and refined as part of the preliminary engineering and project-level environmental review and will include aerial, trench and/or tunnel concepts. Available right-of-way, impacts on adjacent communities, safety, and costs will be among the key factors considered as part of this review.

**I037-8**

The May 2008 Final Program EIR examined a "no project" alternative and 21 representative network alternatives for connecting the Bay Area to the Central Valley. Included in this range of alternatives were 11 Altamont Pass network alternatives, 6 Pacheco Pass network alternatives, and 4 Pacheco Pass with Altamont Pass (local service) network alternatives.

The 2010 Revised Draft Program EIR Material clarified those portions of the 2008 Final Program EIR requiring revision or expansion. With this document, the Authority has reviewed a reasonable range of alternatives, and review of additional alternatives does not appear to be warranted. Please note that the Authority did evaluate HST alternatives near State Route 84 and I-580 which were withdrawn



## Bay Area to Central Valley High-Speed Train Revised Final Program EIR

from further consideration as summarized below. Also, see Response to Comment O012-11.

SR-84/South of Livermore Alignment Alternative: This alignment alternative was eliminated from further investigation because it would have high potential impacts to the natural environment and to agricultural lands. This alignment alternative would cut through agricultural areas and undeveloped conservation easements, increasing habitat fragmentation. The SR-84/South of Livermore alignment alternative would have greater potential impacts to high value aquatic resources and threatened and endangered species than other alignment alternatives through the Tri-Valley (Livermore, Pleasanton, and Dublin) area.

SR-84/I-580/UPRR Alignment Alternative: This alignment alternative was eliminated from further investigation because it would have high potential impacts to the natural environment and agricultural lands. This alignment alternative would have the same issues as presented for the SR-84/South of Livermore alignment alternative (see above). Moving the alignment north to parallel Altamont Pass Road would only increase the impacts to the surrounding natural environment.

## Response to Comments from Individuals

Along the west shore line of the Bay, the proposed route is along the powerline corridor but that corridor is within the jurisdiction of the BCDC. The CHSRA alignment alternative follow existing transportation Caltrain corridor. The impacts and benefits of the CHSRA alignments in urbanized areas are traded for impacts and benefits of a rural alignment. Evidence of some of the obvious potential impacts of the proposed alignment have been presented above. There is no benefit that stands in favor of the entire alignment verses the Altamont alignments already considered in the 2008 Final Program EIR.

We do not believe the proposed alternative alters the basic comparison between Altamont Pass and Pacheco Pass network alternatives that serve both San Francisco and San Jose. We do not believe the proposed alternative merits further consideration.



## Comment Letter I038 (Mike Caggiano, April 12, 2010)

I038

**Kris Livingston**

**From:** Mikaggiano@aol.com  
**Sent:** Monday, April 12, 2010 9:29 PM  
**To:** HSR Comments  
**Subject:** Attn: San Francisco to San Jose Section Preliminary Alternatives Analysis Report

High Speed Rail running down a heavily populated peninsula? Have we heard from French, German and Japanese experts on the advisability of running these trains through populated areas above ground and the effect on 'livability' for those in the area? If not why not? This undertaking will be forever. Once it's in then what? To what extent do we weigh our ability to finance this thing versus the advisability of having this mega-project with its hoped for benefits. Along with the very real possibility of expensive eminent domain takings and displacement during the construction process, we have to consider the rumble of the frequent passing of this train and its effect on peninsula residents from those near to those up on the hills who will certainly not be immune from the intermittent roar. How can we even consider moving forward without hearing from those who have actually been there and done that?

I038-1

Mike Caggiano  
 802 N. Delaware St. #402  
 San Mateo Ca. 94401  
 Ph. 650-274-1240

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**Response to Letter I038 (Mike Caggiano, April 12, 2010)**

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**I038-1**

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website.

The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to

the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives.

The potential noise and vibration effects of the HST operations will be estimated and assessed using the Federal Railroad Administration (FRA) guidance contained in their "High-Speed Ground Transportation Noise and Vibration Impact Assessment Report" October 2005. The assessments will be done for representative residential receivers located along each of the HST Project sections.

Comment Letter I039 (Jennifer Sandmeyer, April 24, 2010)

I039

Kris Livingston

**From:** COUNCIL-Baylock, Cathy [cbaylock@burlingame.org]  
**Sent:** Monday, April 26, 2010 8:52 AM  
**To:** Jennifer Sandmeyer, GRP-Council  
**Cc:** PW/ENG-Murtuza, Syed  
**Subject:** RE: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Dear Mrs. Sandmeyer,  
 Thank you for your thoughtful comments. I will make sure a copy of your e-mail goes to the San Mateo City Council. (Syed, would you forward to San Mateo's PWD, Larry Patterson? thx)

Cathy Baylock  
 Mayor

-----Original Message-----

From: Jennifer Sandmeyer [mailto:jen.sandmeyer@gmail.com]  
 Sent: Mon 4/26/2010 6:44 AM  
 To: Comments@hst.ca.gov  
 Cc: COUNCIL-Baylock, Cathy; Marc Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark Pulido@sen.ca.gov; mcMahon3@sbglobal.net

Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Date: April 24, 2010

Dan Leavitt, California High Speed Rail Authority  
 925 "L" Street, Suite 1425  
 Sacramento, CA 95814  
 Email: [comments@hst.ca.gov](mailto:comments@hst.ca.gov)  
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities March 4, 2010 Revised Draft Program Level EIR. I am a resident on the Peninsula between San Francisco to San Jose, specifically, \*San Mateo\*.

I support and welcome the idea of a high speed rail line to Los Angeles. But, as I learn more about the current plans of the project, I have serious concerns.

As it is currently planned, HSR will divide San Mateo. A final decision has not been reported but it appears that HSR authorities are only considering these two options: 1) Widen the area where Caltrain has their tracks and add at least 2 more tracks.

This option is not physically possible in the center of San Mateo, as many business lie in that area. 2) Building a two-story, elevated track structure. I feel that plans for this option are being pushed upon the public without careful consideration. If such a tall structure is built, it

would be like putting an elevated freeway through the center of San Mateo. The elevated tracks would literally cut our community in half. It would be so aesthetically damaging to the unique, beautiful qualities of the towns on the peninsula that this aspect alone makes me want to withdraw any support I have for the HSR project.

\*If the route along the Caltrain corridor is the only option, then the tracks for \*\*HSR\*\* and Caltrain should be put underground\*. I want the HSR but not at the expense of my community. Please consider:

- Putting the high speed train in a tunnel or in a covered trench.
- Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

Regards,  
 Jennifer Sandmeyer  
 808 Foothill Drive  
 San Mateo, CA 94402

cc:

\*Cathy Baylock, Mayor, City of Burlingame\*  
 Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997  
[cbaylock@burlingame.org](mailto:cbaylock@burlingame.org)

\*State Assemblymember Jerry Hill,\*  
 Mail: 19th District, 1528 S. El Camino Real,  
 Suite 302, San Mateo, CA 94402  
 Fax: (650) 341-4676  
 Email Marc Hershmann, Field Representative in San Mateo,  
[Marc.Hershman@asm.ca.gov](mailto:Marc.Hershman@asm.ca.gov)

\*State Senator Leland Yee\*  
 Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402  
 Email to Dan Lieberman, District Representative for Millbrae and South, Dan.  
[Lieberman@sen.ca.gov](mailto:Lieberman@sen.ca.gov)

\*State Senator Joe Simitian,\* 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing  
 Mail: 160 Town & Country Village, Palo Alto, CA 94301  
 Fax: (650) 688-6370  
 Email: [Senator.simitian@sen.ca.gov](mailto:Senator.simitian@sen.ca.gov) (emails are sent to transportation staffers in Palo Alto and Sacramento)

\*Congresswoman Jackie Speier\* Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E  
 mail: Margo Rosen, District Director for San Mateo office,  
[margo.rosen@mail.house.gov](mailto:margo.rosen@mail.house.gov)

Governor Arnold Schwarzenegger\*  
 Mail: State Capitol Building, Sacramento, CA 95814, Fax: 916-558-3160  
 \*U.S. Senator Barbara Boxer\*  
 Mail Att: Hilary Pearson, Field Representative for \*San Mateo \*\*County,\* 1700 Montgomery Street, Ste 240, San Francisco\*, \*\*CA \*\*94111 \*FAX: 202-224-0454 (reroutes to SF office)

I039-1  
 cont.

I039-2

I039-1

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**Comment Letter I039 - Continued**

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\*U.S. Senator Diane Feinstein \*Mail Att: Christine Epres, Field  
Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to:  
(415) 393-0710  
\*

State Senator Alan Lowenthal\*, 27th district, Member, Budget subcommittee on  
Resources, Environmental Protection, Energy and Transportation, Chair,  
Committee on Transportation and Housing  
Email to Mark Pulido, District Director, Long Beach [Mark.Pulido@sen.ca.gov](mailto:Mark.Pulido@sen.ca.gov)

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**Response to Letter I039 (Jennifer Sandmeyer, April 24, 2010)**

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**I039-1**

See Response to Comment 1017-4. Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual

impacts. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts would be addressed as part of project-level EIR/EIS.

**I039-2**

See Standard Response 10 regarding alternatives.

Comment Letter I040 (John Neil, April 24, 2010)

Jones, Tanya

**From:** Kris Livingston [klivingston@hsr.ca.gov]  
**Sent:** Wednesday, May 19, 2010 10:17 AM  
**To:** Kris Livingston  
**Subject:** FW: High Speed Rail EIR comments  
**Attachments:** High Speed Rail EIR comments.pdf

**From:** John Neil [mailto:john@johnneil.net]  
**Sent:** Saturday, April 24, 2010 7:18 PM  
**To:** HSR Comments  
**Subject:** High Speed Rail EIR comments

1040

Dan Leavitt, California High Speed Rail Authority  
 925 "L" Street, Suite 1425  
 Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4/24/10

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick... although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes You Feel Correct):

✓ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

✓ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

✓ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

✓ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

✓ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

**Additional Concerns/Complaints:** I cannot believe ~~and~~ an above-ground

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest)\*\*\*

proposal between SF and San Jose is even better  
 considered. Huge noise  
 impact on community  
 Trains need to be underground  
 or we have no high-speed trains at all.

NAME: John Neil  
 SIGNATURE: [Signature]  
 ADDRESS: 200 Edinburgh St.  
 ADDRESS: San Mateo CA 94402

1040

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**Response to Letter I040 (John Neil, April 24, 2010)**

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**I040-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I040-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I040-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

#### **I040-4**

The FRA does have noise and vibration criteria that applies to schools in their “High-Speed Ground Transportation Noise and Vibration Impact Assessment Report” October 2005. This criteria will be used to assess the possible effects of the HST operations on all schools along the Peninsula. Construction noise and vibration at schools would also be assessed based on both FRA and local noise ordinance limits. Also see Standard Response 5.

#### **I040-5**

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into project-level alternatives screening. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. The Authority is not currently undertaking real property acquisition. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See the 2008 Final Program regarding notification of the availability of 2005 Draft Program EIR, 2008 Final Program EIR, and also see the Preface of the 2010 Revised Final Program EIR Material related to notification of the Revised Draft Program EIR. At the program-level minority and low-income populations along the alignment alternatives and around station locations were identified as discussed in Chapter 3.7, Land Use, of the 2008 Final Program EIR. Also see Standard Response 7.

In no location are 40-foot tall soundwalls proposed or feasible to construct. The design of noise barriers appropriate for the proposed HST would depend on the location and height of noise-sensitive buildings, as well as the speeds of the trains. Noise barriers 8–10 ft tall could be installed where speeds are relatively low (i.e., wheel/rail noise dominates). Higher noise barriers of 12–16 ft might be used to reduce noise to taller buildings or where speeds are high in noise-sensitive areas. In many locations, noise barriers could be installed on one side of the track only because of the location and proximity of noise-sensitive areas. More detailed consideration of noise impacts and mitigation measures such as soundwalls or other noise reducing measures will be included in project-level environmental documents.

#### **I040-6**

More detailed analysis of noise impacts and mitigation will be undertaken in the project-level EIR/EISs. The commenter states that the HST should be put in a tunnel to avoid problems. The Authority Board committed in July 2008 to investigate profile

alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options are being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. As required by CEQA and NEPA, a no project alternative is included in the the Program EIR/EIS and will be included in the project-level EIR/EISs. See Standard Response 3.

#### **1040-7**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

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**Comment Letter I041 (Jeffrey Castaline, April 9, 2010)**

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**I041****Kris Livingston**

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**From:** Jeffrey Castaline [aanraku@abasg.com]  
**Sent:** Friday, April 09, 2010 9:18 AM  
**To:** HSR Comments  
**Subject:** Latest footprint report

Dear Sir/Madam:

OK.

I your alternatives report.

It says nothing new. It shows no changes to their original plan. Your process still appears to be nothing more than slashing and burning while building a Berlin style wall down the middle of the peninsula ruining the environment and quality of life for everyone there.

We've taken up a new cry, and I for one support it:

TUNNELING OR NOTHING

Total summary, some non-binding, and probably will be ignored alternatives will be carried forward that are given no credence. All hot air, wasted money and nothing has changed.

Is that about right?

Do your your duty to the citizens of California. Help Improve their lives, not ruin them.

Jeffrey Castaline

**Jeffrey Castaline / Owner**  
Aanraku Glass Studios  
41 S. Railroad Ave.  
San Mateo, CA 94401  
Tel: 650-372-0527  
[www.abasg.com](http://www.abasg.com)  
[aanraku@abasg.com](mailto:aanraku@abasg.com)

I041-1

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**Response to Letter I041 (Jeffrey Castaline, April 9, 2010)**

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**I041-1**

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. Also, visual mitigation strategies were included in the 2008 Final Program EIR to minimize impacts of the project including using aesthetic treatments, landscaping, and design. The Authority Board committed in July

2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

**Comment Letter I042 (Deanna M. Campbell, April 21, 2010)**

1042

APR 26 2010 4-21-2010

Re: Bay Area to Central Valley Revised Draft  
Program EIR Material  
Attn: Dan Leavitt, Calif High Speed Railroad Authority


I am definitely again the Calif High Speed Draft  
program. I am against the speed rail period. 1042-1  
The money spent should be spent on local  
construction projects and not destructive 1042-2  
avenues.

Property acquisition, taking of "10 acres of  
additional property, loss of affordable housing  
and potential right of way acquisition. What 1042-3  
an injustice this is.

We don't need this speed rail, it will do  
nothing, for the Bay Area except cause much  
grief, loss of property values, loss of affordable 1042-4  
housing. - not to mention the cost. It would  
not serve the Bay Area. Airline transportation  
is available for the distance involved.

I am very concerned about this general  
disregard for the people of the Bay Area 1042-5  
Stop! Stop! Stop!

Deanna M Campbell



Ms. Deanna M. Campbell  
203 14th Ave.  
San Mateo, CA 94402-2477



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**Response to Letter I042 (Deanna M. Campbell, April 21, 2010)**

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**I042-1**

Comment acknowledged.

**I042-2**

Comment acknowledged.

**I042-3**

See Standard Response 7 regarding Eminent Domain.

**I042-4**

Comment acknowledged. Refer to Chapters 1 and 2 of the 2008 Final Program EIR for a discussion of the project purpose and need and alternatives. Also see Chapter 5, Costs. See Standard Response 6 regarding property values.

**I042-5**

Comment acknowledged. Substantial outreach has occurred throughout the Bay Area for people to participate in the environmental process. Please see Chapter 10, Public and Agency Involvement, in the 2008 Final Program EIR. The scoping activities for the Bay Area to Central Valley HST Draft Program EIR/EIS were conducted between November 15 and December 16, 2005 and

included meetings in San Jose, San Francisco and four other cities. The Authority held a total of eight public hearings, including in San Jose and San Francisco to present the Draft Program EIR/EIS and to receive public comments between August 23, 2007 and September 26, 2007. The Authority has endeavored to provide the broadest possible notice of the 2010 Revised Draft Program EIR Material. Notification was provided in 8 newspapers including the San Francisco Examiner and San Jose Mercury News. A Notice of Availability and Notice of a Public Meeting postcard was further distributed to over 50,000 individuals identified as part of on-going project-level engineering and environmental studies. The Revised Draft Program EIR Material and a Notice of Availability and of a Public Meetings was also made available to 16 libraries for public viewing. Two public meetings were held on April 7, 2010 in San Jose on the Revised Draft Program EIR. Both of these meetings did not end until everyone had the ability to speak. If the Authority proceeds with a network alternative that involves the Bay Area at the project level, the Authority will continue its efforts at public outreach in the area.

**Comment Letter I043 (Patricia A. Baumgartner, April 20, 2010)**

I043

DAN LEAVITT, CALIFORNIA HIGH SPEED RAIL AUTHORITY  
925 "L" STREET, SUITE 1425  
SACRAMENTO, CA 95814

APRIL 20, 2010

RE: BAY AREA TO CENTRAL VALLEY REVISED DRAFT PROGRAM EIR MATERIAL COMMENTS

DEAR MR. LEAVITT:

I AM WRITING BEFORE APRIL 26, 2010 TO OFFICALLY SUBMIT MY COMENTS TO HIGH SPEED RAIL AUTHORITIES (HSRA) MARCH 4, 2010 REVISED DRAFT PROGRAM EIR (EIR). I AM A RESIDENT ON THE PENINSULA BETWEEN SAN FRANCISCO TO SAN JOSE. I AM CONCERNED ABOUT EMINENT DOMAIN.

I AM A 70 PLUS WIDOW WHO LIVES WITH MY DOG ULYSSES IN SAN MATEO. MY HOME IS RIGHT NEXT TO THE CAL TRAIN RAILROAD TRACKS. I HAVE LIVED HERE FOR 42 HAPPY YEARS UNTIL NOW. I'M UPSET BECAUSE AFTER ALL OF THESE YEARS I'M GOING TO BE UPROOTED. I WILL BE TAKEN AWAY FROM MY LONG TIME NEIGHBORS, MY CHURCH, MY CONVENIENT SHOPPING AREA, LIBRARY, AND PARK. MOST OF ALL I WILL BE DEPRIVED OF DOING MY CURRENT VOLUNTEER WORK FOR THE COMMUNITY. THOSE THIRTY YEARS OF VOLUNTEER WORK HAVE KEPT ME BUSY, INVOLVED IN LIFE, WITH PEOPLE AND GIVEN ME THE SATISFACTION OF HELPING OTHERS.

THE MOST IMPORTANT CONCERN, NOT FOR JUST MYSELF, BUT FOR OTHERS AS WELL, IS HOSPITAL ACCESSIBILITY. WE HAVE A NUMBER OF SERIOUS MEDICAL PROBLEMS. CURRENTLY, I TRAVEL DOWN TO KAISER HOSPITAL BY REDI-WHEELS. I AM REQUIRED TO GO DOWN THERE ONCE A MONTH FOR MY COUMADIN SHOT AMONG OTHER THINGS. TO GET TO REDWOOD CITY I TRAVEL THROUGH THREE CITIES. THE LAST ATRIL FIBRILLATION ATTACK I HAD, THE MEDICS RUSHED ME TO BURLINGAME, THAT IS NEXT DOOR TO SAN MATEO, RATHER THAN RISK TAKING ME THROUGH THE THREE CITIES. I AM SO GRATEFUL FOR THE FACT OF GETTING TO MILLS HOSPITAL IN BURLINGAME SO QUICKLY, AS I WAS IN A VERY BAD WAY.

MY TRANSPORTATION IS USUALLY DONE BY TRAVELING IN REDI-WHEELS. I BELIEVE WE ARE SO LUCKY TO HAVE THAT SERVICE. SAN MATEO COUNTY HAS THE BEST REDI-WHEELS SERVICE AS COMPARED TO OTHER COUNTIES IN CALIFORNIA.

PLEASE, I BEG YOU, IF THERE IS ANY CHANCE, ANY CHANCE AT ALL, THAT I CAN STAY IN MY HOME HERE IN SAN MATEO WITH MY DOG, THE BIRDS, SQUIRRELS, BUTTERFLIES, APPLE AND PEAR TREES AND ENJOYING THE BEAUTY OF CREATION, PLEASE LET IT BE SO.

SINCERELY,

*Mrs Patricia A. Baumgartner*  
MRS. PATRICIA A. BAUMGARTNER  
409 EAST SANTA INEZ AVENUE  
SAN MATEO, CA 94401

FILE: RR  
PB

APR 20 2010

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**Response to Letter I043 (Patricia A. Baumgartner, April 20, 2010)**

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**I043-1**

See Standard Response 7 regarding Eminent Domain.

**I043-2**

Chapter 3.1, Traffic, Transit, Circulation, and Parking of the 2008 Final Program EIR reviews the program level traffic impacts and provides proposed mitigation strategies. Detailed traffic analysis will be performed for the project-level EIR/EIS. Potential for traffic congestion to change or disrupt access or circulation of emergency vehicles will also be evaluated. Feasible mitigation measures will be

proposed at this stage. The results of the traffic analysis will be documented in the project-level EIR/EIS.

**I043-3**

See Standard Response 7 regarding Eminent Domain.

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**Comment Letter I044 (Anne Brocchini, April 27, 2010)**

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I044

**Kris Livingston**

**From:** Anne and Dave [annedave04@yahoo.com]  
**Sent:** Tuesday, April 27, 2010 12:25 AM  
**To:** HSR Comments  
**Subject:** Comments on High Speed Rail through Hayward Park, CA

Dear High Speed Rail Commission,

I am quite concerned with the plans for High Speed Rail (HSR) through Hayward Park. I moved to Hayward Park in 2003 because of the charm of the neighborhood and the short distance to downtown. I have long been an advocate of public transport and have concerns both with the High Speed rail through my town and also with it in general.

I044-1

I implore you to consider the impact of HSR on both the citizens of Hayward Park and to the thriving downtown San Mateo. In order to maintain any quality of life for the residents of Hayward Park, HSR must be underground from Hwy. 92 through downtown San Mateo. The noise levels and horribly negative visual impact will render what is currently a thriving and upcoming community unlivable.

I would prefer to not have HSR in CA due to the large cost, the limited benefit, and the size of CA's current debt. Instead, focus the efforts on improving local transportation and allow the CalTrain improvements without the involvement of High Speed Rail.

I044-2

Warm Regards,

- Anne Brocchini, MBA, MPH  
1110 S B St.  
San Mateo, CA  
94401  
(650) 571-7070

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**Response to Letter I044 (Anne Brocchini, April 27, 2010)**

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**I044-1**

The Authority disagrees with your statement. See Response to Comment L003-4.

**I044-2**

Comment acknowledged.

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**Comment Letter I045 (Anita King, April 22, 2010)**

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**I045****Kris Livingston**

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**From:** Anita King [kingsquiggs@sbcglobal.net]  
**Sent:** Thursday, April 22, 2010 10:32 PM  
**To:** HSR Comments  
**Subject:** San Mateo Section

My name is Anita King, I live at 426 East Bellevue Avenue San Mateo, and am deeply concerned on the alternatives being considered for the High Speed Train, both in San Mateo, and Burlingame.

The only real option to be considered for High Speed Rail in a high density area like San Mateo or Burlingame, is the Deep Tunnel Option, or the Covered Trench Option. Any other alternative will render the surrounding living areas uninhabitable.

An aerial elevation would become a place for down and outs to live, and any other undesirables, including drug dealers. Trash would be deposited there, graffiti scrawled, and light would be cut off to surrounding buildings.

We live on Bellevue Avenue, which leads down to the beautiful San Mateo High School. How much better it would be if students could walk down the road over a green area on top of a covered trench, or deep tunnel, than walking under an aerial elevation that could house undesirables, trash, and graffiti.

Yours Sincerely,

Anita King

I045-1



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**Response to Letter I045 (Anita King, April 22, 2010)**

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**I045-1**

Comments acknowledged.

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**Comment Letter I046 (Dee Harrell Mooring, April 20, 2010)**

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**I046****Kris Livingston**

**From:** Dee Harrell Mooring [dharmaoring@gmail.com]  
**Sent:** Tuesday, April 20, 2010 7:28 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

I am writing to oppose the acquisition of property in San Mateo to accommodate the high speed rail or to build a sound wall. I live on B Street between 13th and 14th Avenues. I do not want to leave my neighborhood where downtown and Caltrain are within walking distance. | I046-1

Not only does the loss of affordable housing need to be addressed, the loss of neighborhood and community will have a negative impact on Burlingame and San Mateo residents. | I046-2

The acquisition of property along the tracks will eliminate housing for residents who walk to downtown San Mateo so, wherever we would have to move, we would increase our vehicle use thereby increasing pollution and the greater use of parking in shopping areas. We also walk to the nearby train station. The same applies to Burlingame. | I046-3

A 40 foot sound wall will significantly decrease property values in these neighborhoods, separate the community, negatively impact access and function of Burlingame and San Mateo High Schools. | I046-4

Taking a large swath of our communities so that a train can travel swiftly to southern CA will have a grossly negative impact on these Peninsula communities and neighborhoods. Please use the Amtrak right of way, not the Caltrain right of way. | I046-5

Dee Harrell Mooring  
1327 South B Street  
San Mateo, CA 94402

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**Response to Letter I046 (Dee Harrell Mooring, April 20, 2010)**

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**I046-1**

See Standard Response 7 regarding Eminent Domain.

**I046-2**

See Standard Responses 6 and 7.

**I046-3**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project-level alternatives screening. Specific property that may be necessary to implement a particular project-level alignment alternative will be addressed during the project-level environmental process.

**I046-4**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. Noise was not one of those topics. Please see Section 3.4 of the May 2008 Final Program EIR. The design of noise barriers appropriate for the proposed HST would depend on the location and height of noise-sensitive buildings, as well as the speeds of the trains. Noise barriers 8–10 ft tall could be installed where speeds are relatively low (i.e., wheel/rail noise dominates). Higher noise barriers of 12–16 ft might be used to reduce noise to taller buildings or where speeds are high in noise-sensitive areas. In many locations, noise barriers could be installed on one side of the track only because of the location and proximity of noise-sensitive areas. In no location are 40-foot tall soundwalls proposed or feasible to construct. More detailed consideration of noise impacts and mitigation measures such as soundwalls or other noise reducing measures will be included in project-level environmental documents. See Standard Response 6.

**I046-5**

Comment acknowledged.

## Comment Letter I047 (Peggy Bruggman, April 26, 2010)

I047

Kris Livingston

**From:** Peggy Bruggman [pbruggman@sbcglobal.net]  
**Sent:** Monday, April 26, 2010 9:01 AM  
**To:** HSR Comments  
**Cc:** Assemblymember.Ruskin@assembly.ca.gov; senator.simitian@sen.ca.gov; Peggy Bruggman  
**Subject:** Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

I live in the Redwood City neighborhood just north of Brewster on the east side of the railroad tracks. The neighborhood is called "Mezesville" or "Centennial Neighborhood." Our homes and businesses are very close to the tracks and the impacts from high speed rail along the Caltrain alignment would have major and extremely significant impacts on me and my neighbors. Having lived in the neighborhood for over twenty years, I feel confident that I am a neighborhood expert with respect to the impacts of the project being considered along the Caltrain alignment.

I047-1

The impacts to our neighborhood, which I believe have not been properly investigated or mitigated, include unbearable noise from elevated tracks, increased dust which will harm plants, gardens, and other vegetation, a "Berlin Wall" separating our neighborhood from the rest of Redwood City, and will turn our neighborhood into a ghetto dominated by a towering structure. In addition, the proposed route will destroy numerous businesses along Arguello (between Brewster and Whipple) that serve our neighborhood -- a laundromat, a grocery store and Mexican restaurant and a rental center, to name a few.

The law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. I believe that the project should be redesigned to include measures that will achieve this goal or a different alignment or project alternative chosen. I believe that the EIR should more thoroughly examine the possibility of routing the HSR along the Highway 280 corridor or the Highway 101 corridor, or the possibility of ending the HSR in San Jose. All of these routes would eliminate the terrible impacts on our neighborhood. In addition, an underground alternative should be chosen for Redwood City and other neighboring cities, as opposed to the elevated tracks now being considered. This too would eliminate the impacts on our community.

I047-2

I request that you revise the Draft EIR to include study of the alternatives outlined above.

Sincerely,

Peggy Bruggman  
 330 Alden Street  
 Redwood City, CA 94063

cc: State Senator Joe Simitian, Assembly Member Ira Ruskin

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**Response to Letter I047 (Peggy Bruggman, April 26, 2010)**

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**I047-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

See Standard Response 3.

More detailed information and analysis of noise, air quality, community, and business impacts and mitigation will be included in project-level EIR/EISs.

As noted in Table 2.5-4 of the 2008 Final Program EIR/EIS (page 2-43), the US 101 option was rejected from further consideration. As

shown in the table, principal reasons for rejection of these alignments included construction, right-of-way, and environmental concerns, particularly visual and land use (right-of-way acquisition) impacts.

Also see Standard Responses 1, 2, and 3.

**I047-2**

Comment acknowledged. The Authority is aware of its obligations to avoid and mitigate impacts and we believe this Revised Final Program EIR complies with CEQA. Please see Standard Response 10 regarding the commenter's proposed alternatives. The selection of the network alternative to connect the San Francisco Bay Area to the Central Valley will be made the Authority board and the board will consider all the alternatives discussed in the Program EIR.

## Comment Letter I048 (Susan E. Lazear, April 21, 2010)

I048

**Kris Livingston**

**From:** Sue Lazear [slazear@earthlink.net]  
**Sent:** Wednesday, April 21, 2010 9:56 AM  
**To:** HSR Comments  
**Cc:** Dee Harrell Mooring  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

To Whom it may concern:

As a property owner of 5 units along B Street in San Mateo (at 13th and 14th Aves), I am very much opposed to the discussion concerning the installation of a 40 foot sound wall along this portion of the Caltrain tracks. In addition, I do NOT want to have my property, which has been in my family for over 40 years, to be taken from me to add to the existing line.

I048-1

I048-2

Additionally, the tenants that I have in my properties would be displaced. Many of these families have been residents for over 20 years and consider this their home. They walk to downtown and loss of this access would mean a complete change in their lifestyle. Many are on fixed incomes and would not be able to find affordable housing that offers these amenities.

I048-3

I would like to see the use of the Amtrak right of way be considered for this project. The current plan under review would negatively impact the communities of both San Mateo and Burlingame.

I048-4

Thank you.

Susan E Lazear  
 Property owner of:  
 1327 South B St  
 203 14th Ave  
 202 14th Ave  
 204 14th Ave  
 1407 South B St



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**Response to Letter I048 (Susan E. Lazear, April 21, 2010)**

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**I048-1**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Noise was not one of those topics. Please see Chapter 3.4 of the May 2008 Final Program EIR. The design of noise barriers appropriate for the proposed HST would depend on the location and height of noise-sensitive buildings, as well as the speeds of the trains. Noise barriers 8–10 ft tall could be installed where speeds are relatively low (i.e., wheel/rail noise dominates). Higher noise barriers of 12–16 ft might be used to reduce noise to taller buildings or where speeds are high in noise-sensitive areas. In many locations, noise barriers could be installed on one side of the track only because of the location and proximity of noise-sensitive areas. In no location are 40-foot tall soundwalls proposed or feasible to construct. More detailed consideration of noise impacts and mitigation measures such as soundwalls or other noise reducing measures will be included in project-level environmental documents.

**I048-2**

Comment acknowledged. The Authority has sought to utilize existing transportation corridors to the greatest extent feasible to

minimize environmental impacts. Aligning the HST system with existing transportation corridors also presents opportunities to minimize the need for private property acquisitions in some areas. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

**I048-3**

See Standard Response 7 regarding Eminent Domain.

**I048-4**

Amtrak currently does not serve the City of San Francisco but rather travels in the east bay only. The proposed HST system would provide direct service to northern California's major hub airport at SFO and major transit, business, and tourism center at downtown San Francisco.

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**Comment Letter I049 (Cheryl Dean, April 24, 2010)**

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I049

**Kris Livingston**

**From:** Cheryl Dean [c.dean@rcn.com]  
**Sent:** Saturday, April 24, 2010 3:05 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR (EIR)

Dear Mr. Leavitt:

I am writing before 4/26/10 to officially submit my comments to High Speed Rail Authorities March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and a business owner on the Peninsula between San Francisco & San Jose.

I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that the following items will be an issue: Eminent Domain Takings, Suicides & Deaths, Arsenic, Children and Noise/Sound/Vibration Impacts, Racial Injustice and Civil Rights Violation. In addition it will cause undo noise to my business and create loss and impact my home value. All above concerns are eliminated if HSRA tunnels the whole project from SJ to SF or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to S.F. (both I strongly suggest).

I049-1

I049-2

Sincerely,

Cheryl Dean

1114/1116 S. B Street, San Mateo, CA (Home)

1117 S. B Street, San Mateo, CA (Work)

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**Response to Letter I049 (Cheryl Dean, April 24, 2010)**

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**I049-1**

Comment acknowledged. The purpose of the Bay Area to Central Valley Revised Final Program EIR is to appropriately address the environmental impacts of the alternatives. If the Authority Board chooses to move forward with the high-speed train project in the study area, it will consider the adoption of mitigation strategies to address identified environmental impacts.

**I049-2**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

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**Comment Letter I050 (Anne Anderson, April 25, 2010)**

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I050

**Kris Livingston**

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**From:** Anne Anderson [annerees@aol.com]  
**Sent:** Sunday, April 25, 2010 6:24 PM  
**To:** HSR Comments  
**Subject:** high speed rail

I've lived in Burlingame\San Mateo since 1946. I think the impact of this high speed rail would impact in a negative way the health of the people and uglify the neighborhood...a step in the WRONG direction! 1050-1  
Thanks for reading this. Anne  
Anne Anderson  
752 Occidental Ave.  
San Mateo, Calif 94402

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**Response to Letter I050 (Anne Anderson, April 25, 2010)**

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**I050-1**

The commenter expresses concerns that the HST would impact people's health in a negative way, but does not state how this would occur. Several health-related topics were addressed at the program level in the May 2008 Final Program EIR and in the 2010 Revised Draft Program EIR Material, including noise and vibration, air quality, safety, and hazardous materials. Additional analysis of these topics will be included during the project-level EIR/EIS analysis.

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the

Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

**Comment Letter I051 (Anna Kuhre, April 25, 2010)**

**I051**

**Kris Livingston**

**From:** Anna Kuhre [akuhre@myastound.net]  
**Sent:** Monday, April 26, 2010 10:49 AM  
**To:** HSR Comments  
**Subject:** Fwd: HSR comments

Date: April \_\_25\_\_, 2010

Dan Leavitt, California High Speed Rail Authority  
 925 "L" Street, Suite 1425  
 Sacramento, CA95814  
 Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)  
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR  
 Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, San Mateo.

Deputy Director Jeffrey Barker encouraged citizens to respond on all aspects whether they pertained to the revised sections or not.

If this project went back to the voters today, It would never pass. Here

1

are my concerns:

1. HSR will divide San Mateo along ethnic and racial lines. Many poor Hispanic, Afro-American and Asian families live in our North Central Neighborhood. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of San Mateo. To avoid this, I want HSR and Caltrain tracks underground.

I051-2  
cont.

2. Many historic buildings along the rail line specifically on Rail Road Avenue and East 3<sup>rd</sup> Avenue (the old boarding house) will be destroyed by temporary and permanent construction use. These historic buildings add to our city and would devastate the character of our downtown forever.

I051-3

3. The EIR and the AA offer no specific plan, leaving the public confused, intimidated and forced to respond to vague options.

I051-4

4. Inaccurate Ridership Projections. The figures have been adjusted so many times, the public has lost confidence in the analysis process.

I051-5

5. Overrun costs. No one believes that this project can be built for the current projected estimates.

I051-6

6. Although Caltrain already runs through our downtown, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, will harm how our downtown looks and will dominate the landscape.

I051-7

Please explain how you concluded that the visual impact of HSR on our community will be "low."

2



**Comment Letter I051 - Continued**

To avoid the problems indicated, you should do the following:

**X Take this back to the voters.**

X Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems

X Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I051-8

I strongly recommend the abandonment of the entire project.

I051-9

Very truly yours,

Anna Kuhre

200 West 3<sup>rd</sup> Avenue

San Mateo, Ca 94402

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**Response to Letter I051 (Anna Kuhre, April 25, 2010)**

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**I051-1**

Comment acknowledged.

**I051-2**

See Responses to Comment 1017-4 and 0018-9.

**I051-3**

Comment acknowledged. The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources is included in the May 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level. See Standard Response 3 and Response to Comment L003-79.

**I051-4**

Please see Response to Comment L003-105 and Standard Response 2 regarding the tiered EIR process.

**I051-5**

Comment acknowledged. See Standard Response 4.

**I051-6**

The Authority disagrees with the comment.

**I051-7**

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

**I051-8**

The state legislature and the voters of California can pass additional legislation and measures.

The Superior Court in the Town of Atherton case held the Authority has substantial evidence supporting the elimination of I-280 alignment alternative from study in the 2008 Bay Area to Central Valley Program EIR. See Appendix A of the 2010 Revised Draft Program EIR (page 19). The Authority and the FRA considered a potential HST alternative along I-280 between San Francisco and San Jose as part of the Statewide Program EIR/EIS process and the

Bay Area to Central Valley Program EIR/EIS process. The I-280 alternative was screened out from further study in the program environmental documents for practicability reasons. The Authority and FRA revisited this alignment alternative as part of the alternatives screening for the project level environmental documents. The alternatives analysis affirmed the previous conclusions that this alternative was not practicable.

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local

service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

**I051-9**

Comment acknowledged.

## Comment Letter I052 (Nicole Blair, April 22, 2010)

I052

### Kris Livingston

**From:** Blair Family [mrhobart@myastound.net]  
**Sent:** Thursday, April 22, 2010 9:54 PM  
**To:** HSR Comments  
**Cc:** sloftus@cityofsanmateo.org; lpatterson@cityofsanmateo.org; bgrotte@cityofsanmateo.org;  
 jlee@cityofsanmateo.org; rross@cityofsanmateo.org; dlim@cityofsanmateo.org;  
 jmatthews@cityofsanmateo.org  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments- San Mateo

To Dan Leavitt,

Thank you for the opportunity to comment on the scope of the High Speed Rail Project Level Environmental Impact Report/Environmental Impact Statement, in particular the San Mateo section. I live adjacent to the current Caltrain rail in San Mateo, north of downtown. Below I will list my comments and objections to the Bay Area to Central Valley Revised Draft Program EIR Material:

#### 1. Lack of notification that the document existed:

There was NO direct notification to the people who live near the Caltrain tracks that the EIR document existed and had a comment period of 45 days. No one from the Caltrain, HSRA or the city of San Mateo ever contacted us to let us know that as property owners near the project site that our neighborhood and home could be greatly affected or at risk of losing our home to eminent domain. I only found out about this document by reading about it in the local newspaper recently and then attending a public meeting on the matter. I feel fortunate that I had enough time to make my comments. However, our neighborhood was not properly notified and will lose the chance to be included in this public process of making a comment on probably one of the most biggest construction projects of our lifetime. Our neighborhood will lose out on community input as to how the HSR alignment will be designed. They will unfairly be denied that right.

I052-1

#### 2. My home:

I live at 231 Ramona St. in San Mateo, which is within 200 feet of the current Caltrain tracks that run north of downtown San Mateo. What will happen to my home? What will happen to our neighborhood? How do I plan for our future with this project looming and no answers to our questions about which alignment alternative will be used in our neighborhood? Please provide a more clear timeline in respect to property owners who live close to the current Caltrain right of way. Will my house be taken or spared in eminent domain? Will you take my neighbor's house and will I live across the street from an aerial viaduct? My obvious choice for rail alignment would be a deep tunnel or covered trench with park/trail above it, not CalTrain above it.

I052-2

#### 3. Aesthetics:

The possibility of having an elevated track or trench running through my neighborhood/street will greatly change the aesthetics in a negative way. It will further divide the city into east being the poorest section and west being the richest. The visual character of most of the adjacent neighborhoods to the rail alignment will be affected in a negative way if there is no consideration to putting the rail alignment underground or in a covered trench/tunnel. This can be an opportunity to make San Mateo more walkable by putting the rails underground and planting a trail above it.

I052-3

#### 4. Costs:

The state of California is broke and is laying off teachers and cutting budgets in every department. How can we justify spending more money than what was allotted from Prop 1A and the Federal Stimulus of \$2.25 billion on a project that doesn't seem feasible. The construction costs will continue to rise. Will the state run out of money before this project is done? The money should be spent repairing the current transportation routes. Make I-5 better and our city's public transit more efficient. Let's put money towards our children's education.

I052-4

#### 5. Construction:

How long will construction last? Will the construction happen in phases? Since I live across the street from the alignment, how much construction and noise will we have to put up with? We have three small children whose health could be affected with the dust and pollution waste of a construction site. Will we be compensated for living in a construction zone? Also, the tracks run all the way through the city from north to south and how will this affect traffic? The city will be greatly

I052-5

impacted in a negative way with construction sites all along the corridor. There is also a plan for the Bay Meadows redevelopment; the construction of that project should be phased so that it doesn't coincide with the construction of the rail alignment.

I052-5  
cont.

#### 6. Downtown:

It is known that the right of way in the downtown area is very narrow. It would be a significant loss to the city and community to lose any of the business in the downtown area, especially Talbots Toyland store. That store has been a fixture in San Mateo since 1953 and is one of the last local non franchise toy stores around. To disrupt any of the business that run along the rail alignment would hurt San Mateo economically and aesthetically. A tunnel alternative for this part of the corridor is the only option to avoid hurting the businesses.

I052-6

I052-7

Thank you,  
 Nicole Blair  
 231 Ramona Street  
 San Mateo, CA  
 94401  
 650-685-1047

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**Response to Letter I052 (Nicole Blair, April 22, 2010)**

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**I052-1**

The Authority has endeavored to provide the broadest possible notice of the 2010 Revised Draft Program EIR Material and the prior 2008 Final Program EIR. Notification of both documents was provided in newspapers including the San Francisco Examiner and San Jose Mercury News and notices were distributed to city officials and agencies as well as the general public. For the 2010 Revised Draft Program EIR Material, the Authority distributed a Notice of Availability and Notice of a Public Meeting postcard to over 50,000 individuals identified as part of on-going project-level engineering and environmental studies. If the Authority proceeds with a network alternative that involves Peninsula cities at the project level, the Authority will continue its efforts at public outreach along the Peninsula.

**I052-2**

The Authority has sought to utilize existing transportation corridors to the greatest extent feasible to minimize environmental impacts. Aligning the HST system with existing transportation corridors also presents opportunities to minimize the need for private property acquisitions in some areas. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process. See also Standard Response 3.

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website.

**I052-3**

The alignment depicted in the 2008 Final Program EIR through this neighborhood would run at the same grade as the existing Caltrain tracks north of Monte Diablo Avenue. The same streets that cross under the Caltrain tracks would cross under the Caltrain/HST tracks, maintaining the same connections between east and west parts of San Mateo.

**I052-4**

Comments acknowledged. For more information on the funding plan, please see the Authority's Business Plan.

**I052-5**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR. More detailed impact analyses related to HST system construction including trackway, stations, maintenance facilities, transmission lines, staging areas, and other project elements will be performed during the project-level EIR/EIS analysis, when more detailed design, location, and phasing/duration information will be available for the selected HST alignment. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

**I052-6**

See Standard Response 6.

**I052-7**

The commenter states that the HST should be put in a tunnel to avoid problems. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench,

tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3.



## Comment Letter I053 (Bertha H. Sanchez, April 26, 2010)

I053

**Kris Livingston**

**From:** bsanchez398@aol.com  
**Sent:** Monday, April 26, 2010 4:55 PM  
**To:** HSR Comments  
**Cc:** ben.toy@gmail.com; bsanchez398@aol.com; lpatterson@cityofsanmateo.org  
**Subject:** Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

April 26, 2010

Dan Leavitt, California High Speed Rail Authority  
 925 "L" Street, Suite 1425  
 Sacramento, CA. 95814

Dear Mr. Leavitt:

First of all I would like to say that I am not against High Speed Rail (HSR) but the building needs to be done properly and in a manner that is sensitive to the various neighborhoods and cities which will be affected. I am a long time resident of North Central San Mateo in the City of San Mateo. I use to live on Railroad Avenue adjacent to the CalTrain tracks so I am fully cognizant of the noise, dust and hazardous materials, safety concerns and aesthetics of anything built at grade, on berms, elevated or depressed going through a narrow right of way.

I053-1

1. What study if any has been done on the materials used in the present day CalTrain tracks. Much of the rocks lining the present track was made from serpentine rock and a lot of those kinds of rocks have asbestos in them.

2. The EIR should include a study of the economic impact of any "taking of properties" especially in areas where the most economically and socially challenge people live. Has such a study been done? I don't believe the present EIR Material has fully studied this problem.

I053-2

3. Has any studies been done on the actual ridership that will occur? Vague numbers are not good enough to justify the cost of HSR from San Jose to San Francisco.

I053-3

4. A study should be done on the comparison of costs of ending the HSR at San Jose and then coupling cars with the Baby Bullet Train to take the passengers to San Francisco VS the cost of tunneling through the most high density neighborhoods VS the affect and negative impact that elevated, depressed or berm tracks through the most narrow right of way.

I053-4

5. Safety concern is a major issue and more in depth study should be done.

I053-5

6. Need more study on noise pollution, stirring up of hazardous materials and the aesthetics of elevated tracks.

I053-6

7. Lastly, every effort should be made to "think out of the box" and look at all the new technology that has evolved since the concept of HSR was first broached years ago.

I053-7

These are my comments to be submitted in response to the Revised Draft Program EIR Material Comments.

Respectfully submitted via e-mail.  
 Bertha H. Sanchez  
 15 No. El Dorado Street  
 San Mateo, CA. 94401

**Response to Letter I053 (Bertha H. Sanchez, April 26, 2010)****I053-1**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project.

This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety

Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I053-2**

See Standard Response 7.

**I053-3**

The ridership forecasts were developed in a multi-year effort by experts in the field of transportation demand modeling and overseen by the Metropolitan Transportation Commission. See Standard Response 4.

**I053-4**

See Standard Response 10 regarding the San Jose terminus options. The splitting and joining trains of trainsets is discussed in Section 4.3.D of the 2008 Final Program EIR. For additional response on "train splitting" see Comment Response 0012-27. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. The Authority will consider the comment as part of the project-level EIR/EIS processes.

**I053-5**

The HST project under consideration in the Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled

guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor of easy pedestrian access to the rail tracks. The HST system includes state-of-the-art safety, signaling, and automated train control systems to minimize the potential for derailment. The Authority would build upon the extensive experience of HST operation in other countries. Future HST Operations Plans will include emergency response measures. FRA regulations also address safety concerns, and this system would comply with those regulations. A System Safety and Security Program Plan (SSPP) will be prepared at the project level to define safety and security goals and objectives.

#### **I053-6**

See Standard Response 3.

More detailed information and analysis of noise, hazardous materials, and aesthetic impacts and mitigation will be included in project-level EIR/EISs. The vibration analysis at the project-level will include the cumulative impacts of existing vibration sources (such as Caltrain) and proposed vibration sources.

#### **I053-7**

As stated in Chapter 2.3.1 of the 2010 Revised Draft Program EIR Material includes Section: "Since 1994, three planning and feasibility studies and a statewide program EIR/EIS have been completed under the direction of the California Department of Transportation (Caltrans), the former California Intercity High Speed Rail Commission (Commission), and the Authority. The specific scopes of work of the feasibility studies differed, but they all focused on identifying potential HST technologies and corridors and broadly evaluated their feasibility. The three feasibility studies culminated in the Authority's final business plan (Business Plan) for an economically viable HST system that would serve major metropolitan areas of California (California High-Speed Rail Authority 2000). Also,

in 1997, the FRA published High-Speed Ground Transportation for America, a national study examining the commercial feasibility of new high-speed ground transportation systems (Federal Railroad Administration 1997). This commercial feasibility study uniformly applied economic principles to weigh likely investment needs, operating performance, and social benefits of different types of train services in regional travel markets. The Authority followed these principles and in the Business Plan defined a practical approach to construct, operate, and finance an HST system that would yield solid financial returns to the state and provide potentially dramatic transportation benefits to all Californians. A preferred alignment and potential station locations were selected for most of the proposed statewide HST system as part of the final statewide program EIR/EIS (California High-Speed Rail Authority and Federal Railroad Administration 2005). However, between the San Francisco Bay Area and Central Valley, a broad corridor was identified for further evaluation.

The following Chapter 2.3.2 goes on to note: "...The HST Alternative was the selected system alternative and was identified as the environmentally preferred alternative under NEPA, as well as the environmentally superior alternative under CEQA. To serve the same number of travelers as the HST system was projected to carry by 2020, California would have to build nearly 3,000 lane-miles of freeway, plus five new airport runways and 90 departure gates at a cost two to three times more than the HST Alternative. The program EIR/EIS concluded that high-speed trains can decrease dependency on foreign oil, preserve energy, decrease air pollutants, and discourage sprawl while having less impact on the natural environment than expanding highways and airports."

As shown, the Authority has reviewed alternatives to HST extensively.

## Comment Letter I054 (Dorothy M. H. Chow, April 26, 2010)

I054

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**Kris Livingston**

**From:** bsanchez398@aol.com  
**Sent:** Monday, April 26, 2010 3:42 PM  
**To:** HSR Comments  
**Cc:** lpatterson@cityofsanmateo.org; DMHCchow@juno.com  
**Subject:** Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

April 26, 2010

Dan Leavitt, California High Speed Rail Authority  
 925 "L" Street, Suite 1425  
 Sacramento, CA. 95814

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSA) March 4, 2010, Revised Draft Program EIR. I am a resident of North Central San Mateo. It is a neighborhood in San Mateo that will be most negatively impacted by High Speed Rail (HSR) on the Peninsula between San Francisco and San Jose.

I054-1

1). Will property owners lose some of their property? We have homes immediately adjacent to the narrow Caltrain tracks on both the east and west side of the tracks.

2). What will happen to the Caltrain trestles in North Central? These are four trestles that are used daily by Caltrain. They are considered historically important because they are the oldest working trestles in the United States.

I054-2

3). What will be done to remove hazardous material? Dangerously high levels of arsenic have been discovered along the Caltrain tracks near San Mateo schools (and Burlingame High School in Burlingame) like San Mateo High School and Sunnybrae Elementary School.

I054-3

4). How will you get a more accurate count of how many people will ride HSR? Build HSR from Los Angeles to San Jose; if the number of people riding it justifies the cost, then complete the project by deep tunneling to San Francisco.

I054-4

Signed Dorothy M.H. Chow  
 223 So. Humboldt Street  
 San Mateo, CA. 94401

(This e-mail was sent on behalf of Dorothy Chow at her request by B. Sanchez)

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**Response to Letter I054 (Dorothy M. H. Chow, April 26, 2010)**

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**I054-1**

See Standard Response 7 regarding Eminent Domain.

**I054-2**

The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources was included in the May 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level. See Standard Response 3 and Response to Comment L003-79.

**I054-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified

hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASp), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I054-4**

The ridership and revenue modeling and resulting forecasts provide an appropriate tool for the environmental analysis for which it has been used. See Standard Response 4. The May 2008 Final Program EIR analyzes a Pacheco Pass network alternative that would terminate in San Jose. If the Authority Board selects the Caltrain Corridor as part of the preferred network alternative, additional

consideration will be given to profile variations that may reduce impacts.



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**Comment Letter I055 (Nigel and Anita King, April 9, 2010)**

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I055

**Kris Livingston**

**From:** Nigel King [nigel.king@gmail.com]  
**Sent:** Friday, April 09, 2010 10:03 AM  
**To:** HSR Comments  
**Subject:** San Francisco to San Jose Section Preliminary Alternatives Analysis      Report Comments

Dear Sir or Madam,

My name is Nigel King. My wife's name is Anita King. We are residents of San Mateo, living on East Bellevue Avenue, section 3.1 I believe in your analysis. We have attended the workshops and information sessions that have been run by the city of San Mateo regarding high speed rail. I attended the Silicon Valley Engineering Council banquet where the chief engineers for the project presented. We have also attended information sessions run by citizens of Palo Alto. We are very active and engaged in the decision making process from the community on this topic.

I cannot see in your analysis the reason for deep core tunneling being taken off the table for the sections in which we live. This seems by far the least disruptive to the local community. I am horrified to see that an aerial viaduct is actually a proposal that remains on the table. While this may not be a physical barrier in the community, it will certainly be a visible delineation and separation of the community. When we witness what those structures have done to the communities on the east bay, it is a truly terrifying proposition to think that we may find ourselves living in a ghetto. It will render the surrounding land useless. It will turn our community into shanty town at best.

I055-1

I would be very grateful for an understanding of why deep core tunneling was not even considered for this area. We see this option was considered for much of the San Jose to San Francisco section.

Having been present at most of the workshops for San Mateo, I see that the local resentment for a physical barrier has been registered in your analysis, but the opposition to an aerial viaduct has not.

Yours

Nigel and Anita King

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**Response to Letter I055 (Nigel and Anita King, April 9, 2010)**

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**I055-1**

The commenter states that the HST should be put in a tunnel to avoid problems. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3.

## Comment Letter I056 (Beth A. Young, April 12, 2010)

I056

Kris Livingston

**From:** Beth Young [youngbeth2001@yahoo.com]  
**Sent:** Monday, April 12, 2010 3:29 PM  
**To:** HSR Comments  
**Subject:** My comment on Bay Area to Central Valley Revised Draft Program EIR  
**Attachments:** HSRACommentLetter12April2010.pdf

Please accept my enclosed comment as a concerned citizen and homeowner of San Mateo's Sunnybrae neighborhood.

Sincerely,

Beth A. Young

920 S. El Dorado Street  
 San Mateo, CA 94402

12 April, 2010

Dan Leavitt [Sent by Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov) (or) by FAX: 916-322-0827]  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

I live in San Mateo, California at the following address: 920 S. El Dorado Street. I have owned my home in this pleasant neighborhood since 1996. One of the prime benefits is the proximity to downtown businesses. Our city has continually improved the downtown experience since my arrival to San Mateo. The Caltrain station is one of the beautiful improvements. It is open, safe, and a lovely addition to our downtown.

The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

It is inconceivable to me that our city would be degraded by the imposition of an elevated track for high speed train service! My son and I, along with many families, cross the Ninth Avenue tracks daily to enjoy our downtown. We live two blocks east of the Ninth Avenue crossing. Caltrain is noisy enough with its service at a two block distance and it is at ground level; just the thought of an elevated high speed rail roaring through our neighborhood rattles my nerves and makes me fear for our safety. Our entire neighborhood that we love would be destroyed if this project becomes reality!

Another real threat is to our safety around the Ninth Avenue crossing should there be an elevated train rail. The shelter that an elevated rail could provide to transients is distressing to me and my family. We would no longer cross Ninth Avenue with relative ease.

Graffiti taggers would have a new canvas to introduce visual blight in our lovely Sunnybrae neighborhood! Where tags exist, so do gangs. We love our neighborhood and its visual appeal. Graffiti is not art and gangs are not welcomed here!

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above – and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I request you to revise the Draft EIR you have prepared to address my concerns and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Sincerely,

*Beth A. Young*  
 Beth A. Young

I056-1

I056-2

I056-3

I056-4

I056-5

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**Response to Letter I056 (Beth A. Young, April 12, 2010)**

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**I056-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website.

See Standard Response 3.

More detailed impact analyses will be conducted as part of the project-level EIR/EISs for the alternatives carried forward, once engineering and design has progressed to a point that will allow this level of evaluation. More detailed information and analysis of noise, visual, and community impacts and mitigation will be included in project-level EIR/EISs.

**I056-2**

An HST system Safety and Security Program Plan (SSPP) will be prepared at the project level to define safety and security goals and objectives. The SSPP will include a Crime Prevention through

Environmental Design component in order to reduce opportunities for violence and crime.

**I056-3**

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational, construction, and maintenance impacts will be addressed as part of a project-level EIR/EIS. Specific locations and the scale of impacts, such as graffiti, will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Procedures for maintaining the HST's infrastructure will be detailed in the project-level EIR/EIS. Potential deterrents to graffiti could include introducing vines to the concrete surfaces of columns and walls, dense landscaping to obscure columns and walls, and maintenance agreements to ensure the timely removal of any potential graffiti.

**I056-4**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I056-5**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR

Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

## Comment Letter I057 (Mark and Ellen Kaufman, April 20, 2010)

I057

**Kris Livingston**

**From:** Ellen Kaufmann [elliek51@sbcglobal.net]  
**Sent:** Tuesday, April 20, 2010 8:44 AM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

To Dan Leavitt,  
 We have been residents of Hayward Park in San Mateo for the past 32 years. This historic neighborhood is known for its charm and beauty. The proposed high speed rail would destroy all of the character of the area. We strongly oppose it !  
 Sincerely,  
 Mark & Ellen Kaufmann  
 124 Thirteenth Ave.  
 San Mateo

I057-1



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**Response to Letter I057 (Mark and Ellen Kaufman, April 20, 2010)**

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**I057-1**

Comment acknowledged. The revised project description between San Jose and Gilroy would not result in changes to the discussion of cultural resources beyond what was identified in the 2010 Revised Draft Program EIR Material related to Keesling's shade trees. The analysis for cultural resources is included in the May 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA,

identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level.

## Comment Letter I058 (Stephanie Saba, April 23, 2010)

I058

### Kris Livingston

**From:** Stephanie Saba [stephaniesaba@sbcglobal.net]  
**Sent:** Friday, April 23, 2010 11:46 AM  
**To:** HSR Comments  
**Cc:** Stephanie Saba  
**Subject:** EIR for CA High Speed Rail Project: San Jose to San Francisco

#### To Who It May Concern:

I have owned and live in a townhouse for over 9 years which is located at 2000 Palm Avenue at the corner of East 20th Avenue in San Mateo, CA 94403. My home is half a block from the Caltrain tracks at the end of East 20th Avenue and 2 blocks from the Hayward Park Train Station. Due to the close proximity of my home to the train tracks I voted "no" on proposition B because I do not want High Speed Rail to run on the Peninsula tracks due to the dense population located around the tracks.

I058-1

My personal experience with the train is as follows and leads to why I believe a high speed rail system will destroy the tranquility of all of the communities surrounding the tracks on the Peninsula unless excessive accommodations are made to all homeowners in the surrounding areas.

I058-2

#### 1) Vibration from Trains:

When the current Caltrain cars run on the current tracks, if I am laying in my bed which is on the second floor, I can feel my bed vibrate from the train passing by. Sometimes this vibration has woken me up and I have often thought an earthquake was occurring only to realize it is a train passing by. If a high speed train was to pass by the vibration would be much worse since it will be passing at a much higher speed. What accommodations have you made to insure my home and other homes along this corridor will not experience any vibration from the high speed trains? If no accommodations have been made for vibrations from a high speed rail line then the project will cause a lot of disturbance to myself and all other homeowners near the tracks.

I058-3

#### 2) Noise from Trains:

The noise from the high speed rail is also of grave concern to me. My home has double-pane window which I installed 5 years ago but I can still hear the Caltrain cars and engines rumble by and the horns blow. What noise impact will the high speed rail cause me? Since these trains will be moving at a much higher speed, it would appear that the sound will further disrupt my privacy in my home. If this project goes through, it would seem fair that you assist home owners like myself with upgrading to triple-pane windows at the High Speed Rail Authorities cost and sound proof the walls of our homes.

I058-4

#### 3) Visual & Noise Impact of Aerial Viaduct/Berm sections for Trains:

After viewing the "SF to SJ Preliminary Alternative Analysis" report, it appears that my neighborhood will include an "Aerial Viaduct/Berm" which I am opposed to, due to visual & noise impacts. Currently, while on the second floor of my home I can see the top deck of the trains and can perfectly see the people sitting on the top seats of the trains. If the tracks are further elevated this will make the whole train and all of the passengers visible from my home and further compromise my privacy. I also believe the elevated track will cause the noise from the train to carry further and louder, rising above and unobstructed by the commercial buildings in my neighborhood that currently block some of the sound.

I058-5

I058-6

#### 4) Noise and debris from construction, modification to tracks:

I058-7

It is unclear to me the amount of noise, dust and debris that will occur to modifications made to the train tracks along the Peninsula but specifically in my neighborhood where an Aerial Viaduct/Berm section is proposed. I hope that this has been taken into consideration and all construction will take place on Pacific Boulevard which is a commercial area on the East side of the Train tracks (and not on the West side which is Leslie Street, closer to my home).

I058-7  
cont.

#### 5) Devaluation of my home:

With the concerns I have outlined above, I am also concerned about the further devaluation of my home which has already been hit hard by the economic crisis. Has the High Speed Rail Authority taken into consideration that modest income and many economically challenged families tend to live in the less desirable areas of cities which are generally located near the train tracks?

I058-8

What considerations have been made to improve our areas and not add to devaluing them? I would like to see landscaping added to my neighborhood which is non-existent along the Caltrain property except for weeds that grow out of control and turn brown and untamed during the warmer months. All of the Caltrain property along the rail line should be landscaped with plants that are environmentally friendly and require low maintenance. The High Speed Rail Authority should be responsible for beautifying all areas along the tracks and maintaining it consistently. Beautifying the area along the train tracks would add value to my neighborhood.

Thank you for your time and consideration.

Regards,  
 Stephanie C. Saba  
 2000 Palm Avenue, Unit 2  
 San Mateo, CA 94403  
 Tel: 650-330-6897

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**Response to Letter I058 (Stephanie Saba, April 23, 2010)**

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**I058-1**

Comment acknowledged. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives.

**I058-2**

See Standard Response 6.

**I058-3**

See Standard Response 3.

More detailed information and analysis of vibration impacts and mitigation will be included in project-level EIR/EISs. The vibration analysis at the project-level will include the cumulative impacts of existing vibration sources (such as Caltrain) and proposed vibration sources.

**I058-4**

As discussed in the Response to Comment I058-3, the HST environmental document is a program-level document. More

detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. The noise analysis at the project-level will include the cumulative impacts of existing noise sources (such as Caltrain) and proposed noise sources.

**I058-5**

As discussed in the Response to Comment I058-3, the HST environmental document is a program-level document. More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. The noise analysis at the project-level will include the cumulative impacts of existing noise sources (such as Caltrain) and proposed noise sources.

**I058-6**

As discussed in Response to Comment I058-4, more detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. This analysis will identify the location and severity of impacts and will consider intervening structures (or lack thereof) with the project.

**I058-7**

See Response to Comment I052-5 regarding construction.

**I058-8**

See Standard Response 6 regarding property value.

## Comment Letter I059 (Ben Toy, April 26, 2010)

I059

### Kris Livingston

**From:** Ben Toy [ben.toy@gmail.com]  
**Sent:** Monday, April 26, 2010 2:36 PM  
**To:** HSR Comments  
**Subject:** Re: Bay Area to Central Valley Revised Draft Program EIR Material      Comments

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority  
 925 "L" Street, Suite 1425  
 Sacramento, CA 95814  
 Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)  
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, San Mateo.

Here are my concerns:

1)  
 I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems throughout the Peninsula. With an elevated design, the noise will no longer be shielded some what by the street level buildings, trees, etc, but will become a direct path to all of us on the Peninsula

Please analyze and describe how this will be mitigated.

2)  
 HSR will divide the whole Peninsula. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground (tunneled, not depressed and covered)

3)  
 Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. There will be business lost during the construction and lost forever. Business will be forced to close due to that lost business. Other ways this will hurt my area's look and feel.

Please explain how you concluded that the visual impact of HSR on our community will be 'low'.

4)  
 I request a specific analysis of how noise, vibrations, construction and train operations will affect all the schools along the Peninsula and its students and learning environment.

Burlingame High School closed their front entrance for about 2 years due to the discovery of arsenic. I am concerned that the whole Caltrain track has this potential risk. Also found that Serpentine Rock was a common media for gravel used on rail road tracks. Serpentine rock contains asbestos and if disturbed, it will release asbestos into the air.

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Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Please investigate and insure that these harmful materials are NOT present and will NOT be disturbed during any HSR construction.

To avoid the problems indicated, you should:

- ☐ Put the high speed train in a tunnel.
- ☐ Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- ☐ Stop the high speed train in San Jose, continue the HSR trains on the Caltrain rails at bullet train speeds to reach San Francisco.

Very truly yours,

Ben Toy  
 522 North Idaho Street  
 San Mateo, California 94401

cc:

**State Assemblymember Jerry Hill,**  
 Mail: 19th District, 1528 S. El Camino Real,  
 Suite 302, San Mateo, CA 94402  
 Fax: (650) 341-4676  
 Email [Marc.Hershman@asm.ca.gov](mailto:Marc.Hershman@asm.ca.gov)

**State Senator Leland Yee**  
 Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402  
 Email to Dan Lieberman, District Representative for Millbrae and South, Dan. [Lieberman@sen.ca.gov](mailto:Lieberman@sen.ca.gov)

**State Senator Joe Simitian,** 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing  
 Mail: 160 Town & Country Village, Palo Alto, CA 94301  
 Fax: (650) 688-6370  
 Email: [Senator.simitian@sen.ca.gov](mailto:Senator.simitian@sen.ca.gov) (emails are sent to transportation staffers in Palo Alto and Sacramento)

**Congresswoman Jackie Speier**

Mail: 12<sup>th</sup> Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Email: Margo Rosen, District Director for San Mateo office, [margo.rosen@mail.house.gov](mailto:margo.rosen@mail.house.gov)

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**Comment Letter I059 - Continued**

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**Governor Arnold Schwarzenegger**

Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

**U.S. Senator Barbara Boxer**

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

**U.S. Senator Diane Feinstein**

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

**State Senator Alan Lowenthal**, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach [Mark.Pulido@sen.ca.gov](mailto:Mark.Pulido@sen.ca.gov)

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**Response to Letter I059 (Ben Toy, April 26, 2010)**

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**I059-1**

See Response to Comment I002-2 regarding noise and vibration.

**I059-2**

Comment acknowledged. The Authority has received a number of comments expressing concern over the impacts of the HST being placed on an elevated structure. The Authority is evaluating multiple profile alternatives at the project level including at-grade and below grade alternatives (trench and tunnel) in addition to an aerial profile.

**I059-3**

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Responses 3 and 6.

**I059-4**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Section 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

Site specific noise, air quality, and accessibility impacts during construction and operation of the HST to sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

**I059-5**

See Standard Response 10 regarding alternatives.

## Comment Letter I060 (Brian Barron, April 25, 2010)

I060

### Kris Livingston

**From:** Tricia Toomey [ttoomey@cityofsanmateo.org]  
**Sent:** Monday, April 26, 2010 4:12 PM  
**To:** HSR Comments  
**Cc:** bb1804@hotmail.com  
**Subject:** Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt,  
 I am forwarding you an email the City of San Mateo received from a resident containing comments on the revised draft program level EIR.  
 Thank you.

Tricia Toomey  
 City of San Mateo  
 Department of Public Works  
 330 W. 20th Avenue  
 San Mateo, CA 94403  
 T: (650) 522-7327  
 F: (650) 522-7301

**From:** Brian Barron [mailto:bb1804@hotmail.com]  
**Sent:** Sunday, April 25, 2010 2:52 PM  
**To:** City Mgr  
**Subject:** "HSRA" 123 12th ave Brian Barron

Dan Leavitt , California High Speed Rail Authority  
 925 "L" Street , Suite 1425  
 Sacramento , CA (5814  
 4-25-2010

Dear Mr Leavitt,  
 I am writing before April 26<sup>th</sup> 2010 , to officially submit my comments and concerns to the High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR) & 4/8/10 AA. I am a resident between San Francisco and San Jose and my family and I are greatly concerned about HSRA's proposed actions. Your EIR at page 5-2 states " Cities that are known to have narrow Caltrain rights of way include Millbrae, San Mateo , Redwood City , Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right -of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose". At Pages 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that between San Francisco and Lick..... although property acquisitions would be required for a 4 -track-grade alignment in the more narrow portions of this right-of-way" and references now that "heritage Trees" would need to be taken through eminent domain. Pg 7-9 refers to considerable Numbers of organizations , agencies , and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and Page 7-22 refers to " considerable city and community concern regarding for implementation of HST along the Peninsula overall" and Page 7-24 refers to " potential impacts along the Caltrain Corridor including ; alignment , environmental consequences , local growth , station planning and land use as well as Noise , vibration, biological and cultural resources.

My family and I are concerned about the new sections of the EIR & with information in the AA because if the HSRA selects a street level or elevated track design anywhere from San Jose to SF . It may affect Myself, children or Grand children & noise/sound/vibration impacts on the quality of life of the Hayward park and adjacent Neighborhood of San Mateo.

My Family has lived in this location since 1995. We have enjoyed a neighborhood of walkers and people who enjoy walking and meeting eachother. Our house has overgone many refinances to better the property and add a second story additon to the house because of this wonderful location. We have enjoyed seeing our hard work and sweat equity evolve our home into one of the most sought after properties in the most sought after areas in San Mateo. We have seen a history of multiple offers on our properties in the Hayward park region and have reflected back at what a great location and purchase my family and I did way back in 1995.

An example of impact: In 2010 the Caltrain people changed the horn format on the trains and reduced our neighborhood onto a noisy undesirable place to live in which people and myself could not sleep with the new sound placement and volume of the horns on the Caltrain. After plenty of complaints and phone calls the Caltrain people finally put the train horns under the train and adjusted the volume to solve the problem. This is just an example of how easy our neighborhood and my family can be negatively effected due to change on the track region. I lost plenty of sleep from this small event. And would not have purchased the house if this were in effect when purchasing the house.

Mr Leavitt... do you think this wonderful neighborhood of expensive houses can go through the construction project, then endure a speeding mass of metal screaming through our neighborhood with speeds of up to 150 MPH?.Without being impacted negatively ? Without our home values dropping madly. We have a small neighborhood park at the end of our street. I can't believe it could possibly be removed and replaced with a sound wall or double row of 12 foot high razor wire fencing to prevent a terrorist attack. The random movement of air molecules from a speeding train would have a huge effect on sound and where it goes. Nobody could predict where it would be the worst if a sound wall were used. In fact the only viable solution is a tunnel. . Have you seen the effects of a simple freeway on neighborhoods home values and quality of life? I live less than a mile from Highway 101 yet my home goes for \$300,000.00 to \$500,000.00 dollars more for the equivalent size home on an even larger lot nearer the sound wall and freeway.

I live in a special neighborhood where our home values have always sustained and even risen in value even in recession years. Not to mention the great quality of life. In fact it was my personal goal to live in this neighborhood upon viewing it in the mid 1980's . It is your proposal to have these trains at grade or approximately grade level run by my home and neighbors home. I would like for you to consider a tunnel under the existing Caltrain tracks with perhaps a park type of bicycle path with trees and activities linking thees towns together the way they should be. Put the train underground and be a hero to San Mateo. Our City deserves it.. My neighborhood deserves it , and my family definitively deserves this.  
 Please put me on your e-mail listing for future communications regarding this project. Thank you for your time. [bb1804@hotmail.com](mailto:bb1804@hotmail.com) or 650-341-2683

Sincerely,  
 Mr. and Mrs Brian Barron  
 123 , 12 th Ave  
 San Mateo, CA 94402.  
 Sunday 4-25-2010

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

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I060-1

I060-1  
cont.

I060-2

I060-3

I060-4



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**Response to Letter I060 (Brian Barron, April 25, 2010)**

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**I060-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website.

See Standard Response 3.

More detailed information and analysis of noise and community impacts and mitigation will be included in project-level EIR/EISs.

The HST system will need to be completely grade separated on the peninsula corridor, eliminating both the train horn noise and the bell noise from the grade-crossing protection devices. See Standard Response 6 regarding property values.

**I060-2**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public parks and recreation was not one of those topics. Parks and recreational issues are discussed Chapter 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation) of the 2008 Final Program EIR. More detailed analyses related to impacts on recreational resources, including the proposed park at Alma Plaza, during construction and operation will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See Chapter 3.4, Noise and Vibration, and Chapter 3.9, Aesthetics and Visual Resources, regarding impacts and mitigation strategies. See also Standard Response 3.

**I060-3**

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. The noise analysis at the project-level will model future noise conditions with the project, and with any proposed mitigation. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Responses 3, 5, and 6.

**I060-4**

See Standard Response 10 regarding vertical profile alternatives.

## Comment Letter I061 (Joanne Bennett, April 25, 2010)

I061

Kris Livingston

**From:** joanne bennett [j\_bennett\_17@yahoo.com]  
**Sent:** Monday, April 26, 2010 4:01 PM  
**To:** HSR Comments  
**Subject:** Fw: BAY AREA TO CENTRAL VALLEY REVISED DRAT PROGRAM EIR MATERIAL COMMENTS  
**Attachments:** Scan.PDF

April 25, 2010

Dan Leavitt, California High Speed Rail Authority

Attached is my comments in word document regarding the above subject.

Joanne Bennett

Dan Leavitt, California High Speed Rail Authority  
 925 "L" Street, Suite 1425  
 Sacramento, CA 95814  
 Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)  
 Fax: (916) 322-0827

### RE: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before the deadline of April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR. I am a resident and homeowner on the Peninsula that lives within a mile of the rail corridor in San Mateo.

My concerns are as follows:

**Health:** I am concerned of possible health issues especially for residents that live in close proximity to the rail corridor. It is a well know fact that serpentine rock has been used to make gravel which is used all along railroad tracks. Serpentine rock has been known to contain asbestos.

**Once construction starts how will the dust from this gravel be contained?**

**What precautions will HSR take during construction to eliminate possible asbestos exposure to residents which include many elderly and young children that live close to the corridor?**

I assume there will be pile driving. What health issues will this also present during construction to people's health? Also the following schools are within two blocks of the rail corridor: San Mateo High School and College Park Elementary not to mention the many other schools in San Mateo that are close by such as Sunnybrae Elementary and Fiesta Gardens Elementary.

I061-1

I061-2

I061-3

## Comment Letter I061 - Continued

Powerful new electrical poles and wires will be needed to run the high speed trains. I am concerned about the health effects of electromagnetic fields on people that live close by. How will you mitigate these effects?

I061-4

**Noise Issues & Vibrations:** I am concerned about noise issues and vibrations.

With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93dba), the noise and vibrations will increase significantly and cause problems at the following locations in my neighborhood of North Central in San Mateo:  
Railroad Ave. Tilton Ave. Monte Diablo Ave. E. Santa Inez, Poplar Ave. North & South Claremont, E. Bellvue, Villa Terrace, Delaware St. and Peninsula Ave. etc. these are all streets within a block from the corridor.

I061-5

**Please analyze and describe how noise levels will increase at these locations.**

**Aesthetics:** Elevated tracks with wires will have a **tremendous impact** on our neighborhood. Having a raised aerial viaduct will further divide our neighborhood from the East to the West. Elevated tracks will be like putting a freeway where there used to be just 2 ground level train tracks. **BIG** difference!

Columns supporting the railway will attract graffiti and cause blight. The end result will be an environment that is dark and attracts more crime and will result in reduced property values.

I061-6

**Please explain how you conclude that the visual impact of HSR on our community will be "low".**

**Who will be responsible for maintaining and making sure the area below possible elevated tracks does not become blighted?**

**Quality of Life: Where people live matters** and I have very real concerns that unless this project is tunneled thru North Central San Mateo other than just downtown it will have a very serious effect on our quality of life not to mention lower property values on most people's biggest asset. There is no doubt that all the above points if not met will lower our quality of life in our neighborhoods and in our city.

I061-7

To avoid the problems indicated, you should:

I061-8

**Put the high speed train in a tunnel or covered trench or stop the high speed train in San Jose and have passengers get onto Caltrain bullet trains to reach San Francisco.**

I061-8  
cont.

Is saving 30 minutes really worth the **BILLIONS** that will be spent?

Sincerely,



Joanne Bennett  
837 North Idaho Street  
San Mateo, CA 94401  
[j\\_bennett\\_17@yahoo.com](mailto:j_bennett_17@yahoo.com)

cc: City of San Mateo  
Mayor & Councilmembers

State Assemblymember Jerry Hill

State Senator Leland Yee

Congresswoman Jackie Speier

Governor Arnold Schwarzenegger

US Senator Barbara Boxer

US Senator Diane Feinstein

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**Response to Letter I061 (Joanne Bennett, April 25, 2010)**

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**I061-1**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of

contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I061-2**

See Response to Comment 1052-5 regarding construction.

**I061-3**

See Response to Comment I028-11.

**I061-4**

The Superior Court in the Town of Atherton case held the Authority has substantial evidence supporting the elimination of I-280 alignment alternative from study in the 2008 Bay Area to Central Valley Program EIR. See Appendix A of the 2010 Revised Draft Program EIR (page 19). The Authority and the FRA considered a potential HST alternative along I-280 between San Francisco and San Jose as part of the Statewide Program EIR/EIS process and the Bay Area to Central Valley Program EIR/EIS process. The I-280 alternative was screened out from further study in the program environmental documents for practicability reasons. The Authority and FRA revisited this alignment alternative as part of the alternatives screening for the project level environmental documents. The alternatives analysis affirmed the previous conclusions that this alternative was not practicable.

**I061-5**

See Response to Comment I002-2 regarding noise and vibration. Also see Standard Response 5.

**I061-6**

The visual assessment in the 2008 Final Program EIR considered the relative impacts along the entire Caltrain corridor. For the majority of

the corridor, the HST would have a low visual impact. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational, construction, and maintenance impacts will be addressed as part of a project-level EIR/EIS. Specific locations and the scale of impacts can be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

Procedures for maintaining the HST's infrastructure can be detailed in the project-level EIR/EIS. Potential deterrents to graffiti could include introducing vines to the concrete surfaces of columns and walls, dense landscaping to obscure columns and walls, and maintenance agreements to ensure the timely removal of any potential graffiti.

#### **I061-7**

The commenter states that the HST should be put in a tunnel to avoid problems. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 6.

#### **I061-8**

Please see Standard Response 10. The Authority acknowledges that it must, and fully intends to, give fair consideration to all of the information in the 2008 Final Program EIR, the 2010 Draft and Final Revised Program EIR Material, and the entire record, including public comment, before it makes a new decision.

Comment Letter I062 (Rebekah and Thomas Butler, April 24, 2010)

I062

Kris Livingston

**From:** Bird Bride [birdbride@yahoo.com]  
**Sent:** Monday, April 26, 2010 12:13 AM  
**To:** HSR Comments  
**Subject:** Comments on California High Speed Rail's Bay Area to Central Valley Revised Draft Program EIR

Rebekah and Thomas Butler

171 14<sup>th</sup> Ave.

San Mateo, CA 94402

April 24, 2010

Dan Leavitt, via Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)

California High-Speed Rail Authority

925 L Street, Suite 1425

Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

We live in the Hayward Park community of San Mateo, at 171 14<sup>th</sup> Avenue, San Mateo. Our home is roughly 100 yards from the current railroad tracks used by Caltrain and Union Pacific. The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to us, our family, our neighborhood, and to the natural environment. We can assure you that we are "neighborhood experts" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

I062-1

Here, specifically, are the impacts that we personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

- The high speed rail will contribute significant noise to the neighborhood: construction noise in the short-term and ongoing train noise by significantly increasing the number and speed of trains running through the neighborhood;
- Unless it is undergrounded from downtown San Mateo all the way South to at least State Highway 92, the high speed rail will have a significant, negative visual impact on the neighborhood. If it is not undergrounded, the addition of two rail lines and the possible elevation of the rails for the high speed trains, Caltrain, and the freight trains would be devastating to our visual, auditory, and community environment and sensibilities;
- The rail will pose a danger to our community by running at speeds up to 120 miles per hour through our dense residential neighborhood, comprising homes, daycares, senior centers, community parks, preschools, and schools;
- The construction of the rail will increase diesel emissions, increase traffic, decrease access to our community, and stir up dust and toxics (many left in the soil by Caltrain in an attempt to kill weeds and pests, and from particulate matter deposited by years of the trains' diesel fumes) and pose significant environmental health dangers to us and our children; and
- Despite the many assertions of the High Speed Rail authority, this project also will not be an effective or efficient way to mitigate or reduce carbon emissions from Californians' transportation needs. If the exact same amount of money (or less!) were applied to expanding and enhancing the local and regional public transportation services in the Bay Area and Los Angeles Basin to allow the millions of daily car commuters to take efficient public transportation to and from work and their quotidian activities, the net carbon savings per dollar spent would be much higher than making a marginal carbon emission reduction on an avoided car or plane trip between the two regions. Daily driving is the largest contributor to California's carbon emissions, and as a percentage of miles driven, trips between Los Angeles and the Bay Area are insignificant. Most of that carbon is emitted in the less than or equal to 40 mile round trips that people make to work each day. Finally, the carbon emissions and energy embodied in constructing this enormous infrastructure project must honestly be taken into account in any lifecycle carbon accounting for the project. Taken together, this project will not be an efficient carbon mitigation mechanism.

I062-2

I062-3

I062-4

I062-5

I062-6

Hayward Park is an old neighborhood where many of us live because it has access to *local and regional public transportation*, as well as national and international transportation. Our family uses Caltrain to get to/from work, with one of us travelling North and the other South. We walk or bicycle downtown for our shopping and entertainment needs, and two take our toddler to the park and classes. This lifestyle embodies the vision of smart, transit-oriented development of a transportation corridor where people can live near amenities and minimize the use of cars. However, if the high speed rail comes through our community and is not undergrounded, or the environmental, ambient, and community impacts are not otherwise thoroughly mitigated, we and others will leave the neighborhood, not only in this community but throughout the Peninsula, for our communities will absorb all of the negative externalities of long-range transit projects with none of the positive effects and will thus become environmental wastelands. Such an occurrence would set back the vision of transit-oriented development in a transportation corridor, and would create additional negative environmental impacts by reducing, rather than increasing, the number of people who want to live near densely developed downtowns and public transportation.

I062-7

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**Comment Letter I062 - Continued**

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We believe the law requires the Authority to do a much better investigation and documentation of the impacts we have described above – and not only in our neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. First and foremost, the project must be redesigned *to be undergrounded throughout the residential neighborhoods in the community – including all the way South from downtown San Mateo to State Highway 92*. If part of the train will be aligned even partially at grade through Hayward Park, a discrete sound wall accompanied by attractive landscaping to integrate it to the community absolutely must be designed to help mitigate noise, visual and safety impacts. Even a sound wall would be Balkanizing to our community, however, and an elevated alignment would be nothing short of devastating to the local environment and simply impossible to mitigate.

I062-8

We request that you revise the Draft EIR you have prepared, to address our concerns, and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank you for taking our comments and concerns into account, as the California Environmental Quality Act requires.

I062-9

Yours truly,

Rebekah Saul Butler

Thomas B. Butler



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**Response to Letter I062 (Rebekah and Thomas Butler, April 24, 2010)**

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**I062-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

The Authority disagrees that impacts and mitigation measures were not properly investigated. The current Revised Draft Program EIR Material is part of a first-tier, programmatic environmental review process examining the impacts of 21 network alternatives at a broad level of detail.

**I062-2**

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

**I062-3**

The 2008 Final Program EIR identified that the HST project would result in significant and unavoidable impacts to the physical environment. The Final Program EIR identified mitigation strategies to address these impacts to the greatest extent feasible. In addition, the Final Program EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Accordingly, a change in the alternative selected would reduce or eliminate impacts to views along a particular alignment but would not eliminate altogether the impacts of constructing and/or implementing the HST system.

Refer also to the 2008 Final Program EIR, Appendix 2D, Sheet CC 3 of 6. The HST alignment through the Hayward Park station at the program level is shown as at-grade. The alignment would rise to a retained fill to pass over the succession of streets in downtown San Mateo. Through the Hayward Park neighborhood, the HST could most likely be screened from the neighborhood by a landscaped sound wall, as noted in your comment letter. The elevation of the railway and the design of the grade separations in downtown San Mateo can be determined in the project-level EIR/EIS, where greater input from the community and stakeholders can guide detailed engineering designs, including mitigations for the concerns listed by the commenter.

**I062-4**

See Response to Comments I005-7 and I006-8.

**I062-5**

See Response to Comment 1052-5 regarding construction.

**I062-6**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR. Note that the California Air Resources Board has identified the high-speed train system as "part of the statewide strategy to provide more mobility choice and reduce greenhouse gas emissions." (ARB, Climate Change Scoping Plan, p. 56.) Transportation improvements can be costly, whether for a new or expanded airport, a new or expanded freeway, or a new or expanded rail system.

For the 2005 Statewide Program EIR, the Authority and FRA evaluated a "modal" alternative—a combination of air and highway expansions—with the HST alternative. As noted in the Record of Decision for the 2005 Statewide Program EIR, the analysis in the

Statewide Program EIR confirms that the capacity of California's intercity transportation system is insufficient to meet existing and future demand, and the current and projected future congestion of the system will continue to result in deteriorating air quality, reduced reliability, and increased travel times. The state's intercity transportation system has not kept pace with the tremendous increase in the population and tourism in the state. The evaluation in the Statewide Program EIR indicates that the Modal Alternative, improvement to existing highway and air modes of intercity travel, would help meet projected needs for intercity travel in 2020, but would not satisfy the purpose and objectives of the program as well as the HST alternative. In addition the capital cost of the Modal Alternative would be over two times the estimated capital cost of the HST Alternative, and the Modal Alternative would have considerably less sustainable capacity than the HST Alternative to serve California's intercity travel needs beyond 2020. The evaluation in the Statewide Program EIR further indicates that the HST Alternative is more effective in meeting the program objectives within the time frame needed and would result in fewer adverse impacts than the Modal or No Project Alternatives.

Implementation of HST would result in energy savings, air quality improvement and transportation capacity improvements, as compared to the No Project Alternative. In addition to meeting the program objectives, HST would also provide environmental benefits in the form of increased efficiency in energy use for transportation, decreased energy consumption [e.g., oil fuels consumption], improved air quality, improved travel conditions (including mobility, safety, reliability, travel times, and connectivity and accessibility) and reduced vehicle-miles-traveled for intercity trips. Given the environmental benefits it would provide and relative potential for adverse environmental impact, the HST Alternative is the environmentally preferable alternative. (Federal Record of Decision on Statewide Program EIS.)

Also refer to Chapter 2.5, Energy, in the 2008 Final Program EIR for a discussion of the construction energy required at the program-level for the project. Energy savings resulting from operation of the HST

would repay the construction energy over a short period of time. Project-level analysis would include detailed construction staging, sequencing, methods, and practices to support a quantitative analysis of construction energy consumption.

#### **I062-7**

Comment acknowledged. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives.

#### **I062-8**

Please see Standard Response 3 regarding Level of detail for impacts analysis and mitigation. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including property impacts, by considering trench, tunnel, aerial, and at-grade alignments between San Francisco and San Jose. Please see response to comment I062 – 3.

#### **I062-9**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

# Comment Letter I063 (Jeff Grabow, April 26, 2010)

I063

Kris Livingston

**From:** Jeff Grabow [jdg33@yahoo.com]  
**Sent:** Monday, April 26, 2010 8:52 AM  
**To:** HSR Comments  
**Subject:** Extreme Displeasure with High Speed Rail Project-

Yours truly,

Jeff Grabow  
 116 11th Ave  
 San Mateo, Ca  
 94401

Date

Dan Leavit  
 Sent Via Email [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

I live in Hayward Park in San Mateo, Ca at 116 11th Avenue.

I voted against high speed rail from the start. It is ridiculous to spend billions of dollars to link LA to the Bay Area when you can't get effective rapid transit that most European or Asian countries enjoy. We need to focus on connecting the Bay Area within the Bay Area and LA before we undertake a pork driven idea such as what is being undertaken.

I am highly opposed to the Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

- Describe noise and vibration impacts
- Describe view impacts
- Describe impacts on trees and other vegetation
- Describe public safety dangers

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above - and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I request you to revise the Draft EIR you have prepared, to address my concerns, and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

I063-1

I063-2

I063-3

I063-4

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**Response to Letter I063 (Jeff Grabow, April 26, 2010)**

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**I063-1**

This is not a comment on the 2010 Revised Draft Program EIR Material. The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. The purpose of the project was not one of those topics. See Chapter 1, Purpose and Need and Objectives, in the 2008 Final Program EIR.

**I063-2**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

Comment about being a neighborhood or local expert is acknowledged.

The Authority disagrees that impacts and mitigation measures were not properly investigated. The current Revised Draft Program EIR Material is part of a first-tier, programmatic environmental review process examining the impacts of 21 network alternatives at a broad level of detail.

**I063-3**

The 2008 Final Program EIR identified that the HST project would result in significant and unavoidable impacts to the physical environment. The Final Program EIR identified mitigation strategies to address these impacts to the greatest extent feasible. In addition, the Final Program EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Accordingly, a change in the alternative selected would

reduce or eliminate impacts to views along a particular alignment but would not eliminate altogether the impacts of constructing and/or implementing the HST system.

The Authority disagrees with the comment that an alternative route or project modification is required to avoid public safety dangers. Chapter 1 of the May 2008 Final Program EIR addresses safety for major modes of transportation. The evidence shows that the fully grade separated HST systems in Europe and Japan have the lowest fatality rates (0 fatalities) of all modes. The HST project under consideration in the Bay Area to Central Valley Program EIR includes grade separations that will eliminate existing at-grade crossings of rail and local traffic. The HST project is therefore anticipated to improve safety for pedestrians, automobiles, commuter rail, and freight rail compared to existing conditions.

**I063-4**

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

**I063-5**

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

## Comment Letter I064 (John Selig, April 2, 2010)

Apr 10 10 02:20a Keelin Reeds Partners +1-650-475-4461 p. 1  
I064

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes You Feel Correct):**

☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

☐ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☐ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

☐ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☐ **Additional Concerns/Complaints:**

✓ \*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest.)\*\*\*

John Selig  
NAME \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
317 Avila Road  
ADDRESS \_\_\_\_\_  
San Mateo, CA \_\_\_\_\_

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**Response to Letter I064 (John Selig, April 2, 2010)**

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**I064-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I064-2**

See Response to Comment I040-4 regarding noise and vibration.

**I064-3**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not

considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.



## Comment Letter I065 (Curt Lockton, April 1, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4/1/10

I065

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes You Feel Correct):**

I065-1

**Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

**Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

I065-2

**Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

I065-3

**Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

I065-4

**Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

I065-5

**Additional Concerns/Complaints:**

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest).\*\*\*

I065-6

C CURTIS LOCKTON  
75 CRYSTAL SPRING RD  
SAN MATEO, CA 94402

NAME

SIGNATURE

ADDRESS

ADDRESS





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**Response to Letter I065 (Curt Lockton, April 1, 2010)**

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**I065-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I065-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I065-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I065-4**

See Response to Comment I040-4 regarding noise and vibration. Also see Standard Response 5.

**I065-5**

See Response to Comment I040-5.

**I065-6**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to

investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

## Comment Letter I066 (Jamie Lockton, April 2, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4/2/10

I066

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overail" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes You Feel Correct):**

I066-1

✓ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

I066-2

✓ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

I066-3

✓ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

I066-4

✓ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

I066-5

✓ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

### Additional Concerns/Complaints:

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest).\*\*\*

I066-6

Jamie Lockton  
75 Crystal Springs Rd.  
San Mateo, CA 94402-1518

Jamie Lockton  
NAME  
Signature  
75 Crystal Springs Rd  
ADDRESS  
San Mateo CA 94402  
ADDRESS

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**Response to Letter I066 (Jamie Lockton, April 2, 2010)**

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**I066-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I066-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I066-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I066-4**

See Response to Comment I040-4 regarding noise and vibration.

**I066-5**

See Response to Comment I040-5.

**I066-6**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential

impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.



## Comment Letter I067 (Donna Black, April 3, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4/3/2010

I067

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ... although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes):**

I067-1

☐ **Eminent Domain Takings:** my property and many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or close my business. I cannot afford an attorney and cannot move from my house.

☐ **Suicides & Deaths:** there will be many more suicide deaths because "death by High Speed Rail trains" will be an attractive nuisance and encourage more suicides than present, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

I067-2

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

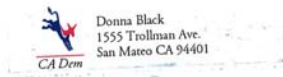
I067-3

☐ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☐ **Additional Concerns:**

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest).\*\*\*

I067-4



Donna J. Black  
NAME  
Donna J. Black  
SIGNATURE  
1555 TROLLMAN AVE  
ADDRESS  
SAN MATEO, CA 94401

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**Response to Letter I067 (Donna Black, April 3, 2010)**

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**I067-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I067-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more

deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I067-3**

See Response to Comment I040-4 regarding noise and vibration.

**I067-4**

The FRA does have noise and vibration criteria that applies to schools in their "High-Speed Ground Transportation Noise and Vibration Impact Assessment Report" October 2005. This criteria will be used to assess the possible effects of the HST operations on all schools along the Peninsula. Construction noise and vibration at schools would also be assessed based on both FRA and local noise ordinance limits.



## Comment Letter I068 (Jaime Garcia, April 18, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: April 18, 2010

1068

Re: Comments to: Bay Area to Central Valley Revised Draft Program EIR Material Comments  
& April 8, 2010 Alternative Analysis Report for San Francisco to San Jose Section (AA)

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR) & 4/8/10 AA. I am a resident and/or business owner on the Peninsula between San Francisco to San Jose and am greatly concerned about HSRA's proposed actions.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." I am concerned about the new sections of the EIR & with information in the AA because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes):

☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☒ **Additional Concerns/Complaints (list specific schools/property/businesses in the City to be affected):**

I live near Caltrain tracks with my family and friends, many no money to pay attorney but do not want to move or leave my house. Children in school and friends of 35 yrs on my street and area near house; dust and poison from arsenic harm my children and 700 children Sunnybrae Elementary.

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF and pays for the cost of tunneling, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF and take the extra 10 minutes of additional time over HSRA train time from SJ-SF (both of which I strongly suggest.) \*\*\*

\*\* Copied to San Mateo City Council, Mayor Lee  
Jerry Hill and Governor

JAIME GARCIA

NAME

SIGNATURE

## 333 Monte Diablo Ave.

ADDRESS

San Mateo, CA 94401

ADDRESS

\*\* retain a copy of this completed and signed form for your attorney and mail a copy to your City Council to retain as a Public record under the California Public Records Act  
\* mail copy to Assemblyman Jerry Hill (916) 319-2019 and Governor Schwarzenegger (916) 445-2841 \*\*

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**Response to Letter I068 (Jaime Garcia, April 18, 2010)**

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**I068-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I068-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I068-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I068-4**

See Response to Comment I040-4 regarding noise and vibration.

**I068-5**

See Response to Comment I040-5.

**I068-6**

See Standard Responses 3 and 6. The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Section 3.11 of the 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

**I068-7**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

## Comment Letter I069 (Russel Flores, April 18, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814

DATE: April 18, 2010

I069

Re: Comments to: Bay Area to Central Valley Revised Draft Program EIR Material Comments  
& April 8, 2010 Alternative Analysis Report for San Francisco to San Jose Section (AA)

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR) & 4/8/10 AA. I am a resident and/or business owner on the Peninsula between San Francisco to San Jose and am greatly concerned about HSRA's proposed actions.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick... although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR & with information in the AA because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes):**

☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☒ **Additional Concerns/Complaints (list specific schools/property/businesses in the City to be affected):**  
My family and children have lived in San Mateo on Pacific Blvd. for all our lives, and we are next to Caltrain tracks. We do not want to be evicted from our homes and do not want above ground construction, dust, noise, vibrations and poison (arsenic) exposure from High Speed Train. There are many families and friends living along Pacific Blvd. that will lose their properties to HSRA through Eminent Domain, from 3545-4056 in San Mateo, and families on Antioch Drive and 38<sup>th</sup>-41<sup>st</sup> Ave. in San Mateo that will be negatively affected from construction/dust/noise/sounds from these trains. We do not want to move or be forced out by this construction. Do not evict our families (about 150 families on streets mentioned and Pacific). Our children and friends love neighborhood, so please don't force us out of our homes. There are old people who cannot move or be relocated. Shame on you for choosing a residential community to run 150 mph trains through unheard of and incompatible with families/children/elderly people/homes/businesses/communities.

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF and pays for the cost of tunneling, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF and take the extra 10 minutes of additional time over HSRA train time from SJ-SF (both of which I strongly suggest.) \*\*\*

**I mailed a copy to: San Mateo City Council and Senator  
Jerald Hill and Mr. Simitian**

Russell Flores

*Russell Flores*  
3754 Pacific Blvd, San Mateo, CA 94403

\* this is a Public Record under Government Code\*\*





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**Response to Letter I069 (Russel Flores, April 18, 2010)**

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**I069-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I069-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I069-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I069-4**

See Response to Comment I040-4 regarding noise and vibration.

**I069-5**

See Response to Comment I040-5.

**I069-6**

Comment acknowledged. The Authority has sought to utilize existing transportation corridors to the greatest extent feasible to minimize environmental impacts. Aligning the HST system with existing transportation corridors also presents opportunities to minimize the need for private property acquisitions in some areas. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The

EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives.

Additional site-specific analysis of potential air quality and hazardous materials impacts will be conducted for the project-level EIR/EISs.

**I069-7**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to

carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting

terminating HST service in San Jose will be part of the record that the Board considers.



## Comment Letter 1070 (William R. Slocum, April 15, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4-15-2010

1070

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes):**

☒ **Eminent Domain Takings:** my property and many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or close my business. I cannot afford an attorney and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because "death by High Speed Rail trains" will be an attractive nuisance and encourage more suicides than present, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☒ **Additional Concerns:** *High Speed Rail should not pass thru such densely populated areas as S.F. Peninsula period, I should*  
\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest.)\*\*\* *stop in S.J.*

NAME

SIGNATURE

ADDRESS

*William R Slocum*  
*700 Laurel Ave #1163*  
*San Mateo, CA 94401*

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**Response to Letter I070 (William R. Slocum, April 15, 2010)**

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**I070-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I070-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I070-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

#### **I070-4**

See Response to Comment I040-4 regarding noise and vibration.

#### **I070-5**

See Response to Comment I040-5.

#### **I070-6**

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The

alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

#### **I070-7**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the

Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

## Comment Letter I071 (Linda Lara, April 13, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: April 13, 2010

I071

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCIPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes):**

I071-1

☒ **Eminent Domain Takings:** my property and many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or close my business. I cannot afford an attorney and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because "death by High Speed Rail trains" will be an attractive nuisance and encourage more suicides than present, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

I071-2

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

I071-3

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

I071-4

☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

I071-5

☐ **Additional Concerns:**

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest.)\*\*\*

I071-6

NAME LINDA A. LARA  
SIGNATURE [Signature]  
ADDRESS 328 NO. SAN MATEO DR #2  
SAN MATEO, CA 94401

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**Response to Letter I071 (Linda Lara, April 13, 2010)**

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**I071-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I071-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I071-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for



addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I071-4**

See Response to Comment I040-4 regarding noise and vibration.

**I071-5**

See Response to Comment I040-5.

**I071-6**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential

impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

## Comment Letter I072 (Robert Ross, April 12, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4/12/10

I072

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ... although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes You Feel Correct):**

☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☒ **Additional Concerns/Complaints:** INTERFERING WITH + DISRUPTING THE PEACEFUL ENJOYMENT OF MY PROPERTY + MY LIFE + NEIGHBORHOOD

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest.)\*\*\*

ENTIRE PROCESS DID NOT ALLOW FOR PUBLIC NOTICE INPUT, VOICE OR INVOLVEMENT OF ADJUNCT UP BOARD MEMBERS, ROUTES, WITH PREVIOUSLY OVER COST OR INNOVATIVE TO CITIES OR CITIZENS

NAME: ROBERT ROSS  
SIGNATURE: [Signature]  
ADDRESS: 1102 S. 1ST SAN MATEO, CA  
ADDRESS: 1102 S. 1ST SAN MATEO, CA  
ADDRESS: 1102 S. 1ST SAN MATEO, CA

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**Response to Letter I072 (Robert Ross, April 12, 2010)**

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**I072-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I072-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I072-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I072-4**

See Response to Comment I040-4 regarding noise and vibration.

**I072-5**

See Response to Comment I040-5.

**I072-6**

Comment acknowledged. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives.

**I072-7**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

**I072-8**

The Authority disagrees that the Peninsula cities did not have the ability to participate in the environmental process. The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Outreach was not one of those topics. Please see Chapter 10, Public and Agency Involvement, in the 2008 Final Program EIR. The scoping activities for the Bay Area to Central Valley HST Draft Program EIR/EIS were conducted between November 15 and December 16, 2005 and included meetings in San Jose, San Francisco and four other cities. The Authority held a total of eight public hearings, including in Oakland and San Francisco to present the Draft Program EIR/EIS and to receive public comments between August 23, 2007 and September 26, 2007.

The Authority has endeavored to provide the broadest possible notice of the 2010 Revised Draft Program EIR Material. Notification was provided in 8 newspapers including the San Francisco Examiner and San Jose Mercury News. A Notice of Availability and Notice of a Public Meeting postcard was further distributed to over 50,000 individuals identified as part of on-going project-level engineering and environmental studies. The Revised Draft Program EIR Material and a Notice of Availability and of a Public Meetings was also made available to 16 libraries for public viewing. Two public meetings were held on April 7, 2010 in San Jose on the Revised Draft Program EIR. Both of these meetings did not end until everyone had the ability to speak. If the Authority proceeds with a network alternative that involves San Mateo at the project level, the Authority will continue its efforts at public outreach in the area.



## Comment Letter I073 (Jorge Padilla, April 19, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE April 19, 2010 **I073**

Re: Comments to: Bay Area to Central Valley Revised Draft Program EIR Material Comments & April 8, 2010 Alternative Analysis Report for San Francisco to San Jose Section (AA)

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR) & 4/8/10 AA. I am a resident and/or business owner on the Peninsula between San Francisco to San Jose and am greatly concerned about HSRA's proposed actions.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR & with information in the AA because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes):**

☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

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☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☒ **Additional Concerns/Complaints (list specific schools/property/businesses in the City to be affected):**

I live with my wife and two daughters next to railroad tracks, 50 ft, and don't want to lose my house, and can't move because children in school. Concerned about arsenic dust, construction-45 families on my street concerned also. I am poor, no attorney to fight

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF and pays for the cost of tunneling, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF and take the extra 10 minutes of additional time over HSRA train time from SJ-SF (both of which I strongly suggest.) \*\*\*

COPY to San Mateo City Council and Assemblyman  
Jerry Hill

Jorge Padilla

NAME

SIGNATURE

915 B St San Mateo 94401

ADDRESS

ADDRESS

\*\* retain a copy of this completed and signed form for your attorney and mail a copy to your City Council to retain as a Public record under the California Public Records Act

\* mail copy to Assemblyman Jerry Hill (916) 319-2019 and Governor Schwarzenegger (916) 445-2841\*\*



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**Response to Letter I073 (Jorge Padilla, April 19, 2010)**

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**I073-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

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**I073-2**

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**I073-3**

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**I073-4**

See Response to Comment I040-4 regarding noise and vibration.

**I073-5**

See Response to Comment I040-5.

**I073-6**

Comment acknowledged. The Authority has sought to utilize existing transportation corridors to the greatest extent feasible to minimize environmental impacts. Aligning the HST system with existing transportation corridors also presents opportunities to minimize the need for private property acquisitions in some areas. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

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the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives.

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## Comment Letter I074 (Davide Ramirez, April 21, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: April 21, 2010

I074

Re: Comments to: Bay Area to Central Valley Revised Draft Program EIR Material Comments & April 8, 2010 Alternative Analysis Report for San Francisco to San Jose Section (AA)

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR) & 4/8/10 AA. I am a resident and/or business owner on the Peninsula between San Francisco to San Jose and am greatly concerned about HSRA's proposed actions.

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☒ **Additional Concerns/Complaints (list specific schools/property/businesses in the City to be affected):**  
My wife and children love our house, and families living on North and South Claremont (311-500 N. Claremont), and do not want to be forced out by your train or construction. Please do not evict our families (about 70 families on North Claremont)! Our children love Sunnybrae Elementary School and children's friend there, don't separate them. Many old neighbors on my street also who cannot move due to physical pain and conditions - they would die if forced to move in final years of life or commit suicide rather than be forced to move from house lived in of 40 years. Our family can't pay attorney but can't live with construction, dust, noise, vibrations and arsenic-poison from construction of tracks. Please don't expose my family. Sunnybrae Elementary has many hundreds of children who can't study with noise/trains or arsenic dust-poison.

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF and pays for the cost of tunneling, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF and take the extra 10 minutes of additional time over HSRA train time from SJ-SF (both of which I strongly suggest.) \*\*\*

Copy mailed to: San Mateo City Council and Senator  
Jerald Hill and Mr. Simitian

Davide Ramirez



311 N. Claremont, San Mateo, 94401

\* this is a Public Record under Government Code\*\*



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**Response to Letter I074 (Davide Ramirez, April 21, 2010)**

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**I074-1**

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**I074-5**

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**I074-7**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.



The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

## Comment Letter I075 (Carmen Cortez, April 20, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4/20/2010

I075

Re: Comments to: Bay Area to Central Valley Revised Draft Program EIR Material Comments  
& April 8, 2010 Alternative Analysis Report for San Francisco to San Jose Section (AA)

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR) & 4/8/10 AA. I am a resident and/or business owner on the Peninsula between San Francisco to San Jose and am greatly concerned about HSRA's proposed actions.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,5-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." I am concerned about the new sections of the EIR & with information in the AA because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes):

☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☒ **Additional Concerns/Complaints (list specific schools/property/businesses in the City to be affected):**

\*Please do not take my home from my family and children. I am poor and can not pay attorney but do not want to move. Lived her 34 years and parents here also. Please, do not take house. Many children in street and families, Sunnybrae Elementary also. No dust or poison or arsenic death. \*\*All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF and pays for the cost of tunneling, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF and take the extra 10 minutes of additional time over HSRA train time from SJ-SF (both of which I strongly suggest.) \*\*\*

Copy San Mateo City Council and Joe Simitian  
and Jerry Hill

\*\* retain a copy of this completed and signed form for your attorney and mail a copy to your City Council to retain as a Public record under the California Public Records Act  
\* mail copy to Assemblyman Jerry Hill (916) 319-2019 and Governor Schwarzenegger (916) 445-2841 \*\*

Carmen Cortez  
NAME  
SIGNATURE  
1009 S. Claremont St.  
ADDRESS  
San Mateo 94401  
ADDRESS



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**Response to Letter I075 (Carmen Cortez, April 20, 2010)**

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**I075-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I075-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I075-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I075-4**

See Response to Comment I040-4 regarding noise and vibration.

**I075-5**

See Response to Comment I040-5.

**I075-6**

Comment acknowledged. The Authority has sought to utilize existing transportation corridors to the greatest extent feasible to minimize environmental impacts. Aligning the HST system with existing transportation corridors also presents opportunities to minimize the need for private property acquisitions in some areas. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The

EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives.

Additional site-specific analysis of potential air quality and hazardous materials impacts will be conducted for the project-level EIR/EISs.

**I075-7**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to

carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

## Comment Letter I076 (Cheryl Dean, April 25, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4/26/10

I076

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes You Feel Correct):**

☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☒ **Additional Concerns/Complaints:** Reduced property value, Noise disrupts Business.

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest).\*\*\*

NAME: Cheryl Dean  
SIGNATURE: [Signature]  
ADDRESS: 1114 Mill St. S.B. ST. San Mateo  
ADDRESS: 1111 S.B. ST. San Mateo



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**Response to Letter I076 (Cheryl Dean, April 25, 2010)**

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**I076-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I076-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I076-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I076-4**

See Response to Comment I040-4 regarding noise and vibration.

**I076-5**

See Response to Comment I040-5.

**I076-6**

See Standard Response 6 regarding property values.

The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives.

Additional site-specific analysis of potential noise and business impacts will be conducted for the project-level EIR/EISs.

**I076-7**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

## Comment Letter 1077 (Cheryl Dean, April 22, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4/22/10

1077

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes You Feel Correct):**

- ☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.
- ☒ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.
- ☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.
- ☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.
- ☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☒ **Additional Concerns/Complaints:** INTERFERING + DISRUPTING PEACEFUL ENJOYMENT OF MY PROPERTY + LIFE.

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest.)\*\*\*

CHERYL DEAN  
NAME

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WK - 1117 So. B St  
SAN MATEO CA 94401

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**Response to Letter I077 (Cheryl Dean, April 22, 2010)**

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**I077-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I077-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I077-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

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addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

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**I077-4**

See Response to Comment I040-4 regarding noise and vibration.

**I077-5**

See Response to Comment I040-5.

**I077-6**

See Standard Response 6 regarding the requirements of CEQA to address quality of life issues.

**I077-7**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the

Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.



## Comment Letter 1078 (John A. Brooks, April 22, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4/22/10

1078

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

4/22/10

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ... although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned about the new sections of the EIR because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes You Feel Correct):**

☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☐ **Additional Concerns/Complaints:**

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF (both of which I strongly suggest.)\*\*\*

**JOHN A. BROOKS**

NAME John A. Brooks

SIGNATURE

ADDRESS 1216 PALM AVENUE

ADDRESS SAN MATEO, CA 94402

ADDRESS

Mr. Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, suite 1425  
Sacramento, CA 95814

Dear Mr. Leavitt,

I was in attendance at the city of San Mateo's HSR Community Workshop #2. At this meeting I learned that all the significant issues to HSR have been decided. The corridor has been chosen; the HSR Authority has selected the overhead/underground alternatives.

No doubt impacted residents preferences will be heard and ignored. City representative's preferences will be heard and litigated.

No answers were provided to residents affected by the project. My neighbors I and in Hayward Park, San Mateo are deeply concerned that our quality of life, our environment and our property will irretrievably be damaged.

There is nothing in it for us.

John A. Brooks  
John A. Brooks



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**Response to Letter I078 (John A. Brooks, April 22, 2010)**

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**I078-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

Eminent domain is the inherent power of the government to acquire private property for public use. The owners of such private property shall not be deprived of their property without just compensation as provided in the Fifth and Fourteenth Amendments to the United States Constitution and Article I of the California Constitution. Any property acquisition and relocation will be required to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) of 1970 as amended and Title VI and Title VIII of the Civil Rights Acts of 1964 and 1968, respectively. See Standard Response 7.

**I078-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

**I078-3**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for

addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.

**I078-4**

See Response to Comment I040-4 regarding noise and vibration.

**I078-5**

See Response to Comment I040-5.

**I078-6**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential

impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

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The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

## Comment Letter I079 (Thomas Burns, April 22, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814

DATE: April 22, 2010

I079

Re: Comments to: Bay Area to Central Valley Revised Draft Program EIR Material Comments  
& April 8, 2010 Alternative Analysis Report for San Francisco to San Jose Section (AA)

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR) & 4/8/10 AA. I am a resident and/or business owner on the Peninsula between San Francisco to San Jose and am greatly concerned about HSRA's proposed actions.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 the EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." I am concerned about the new sections of the EIR & with information in the AA because if HSRA selects a street-level or elevated track design anywhere from San Jose to SF that (Check Boxes):

☒ **Eminent Domain Takings:** my property and/or many properties/businesses will need to be "taken" through Eminent Domain, that I will lose my Prop. 13 tax exemption, and I will be evicted from my property against my will or HSRA will close my business. I cannot afford an attorney to fight eviction, and cannot move from my house.

☒ **Suicides & Deaths:** there will be many more suicide deaths because publicized "death by High Speed Rail trains" will be an attractive nuisance and encourage this activity, and there may be many deaths due to street level accidents and 150 mph trains. This letter is actual/constructive notice to HSRA of these potential wrongful deaths.

☒ **Arsenic:** dangerously high levels of arsenic have been discovered along Caltrain tracks, and near schools near these tracks like Sunnybrae Elementary, San Mateo & Burlingame H.S.'s. Entire neighborhoods/business zones must be zoned off and sealed if any construction is done with a street/elevated design, similar to asbestos projects.

☒ **Children & Noise/Sound/Vibration Impacts:** there are approximately 20 or more schools located near Caltrain tracks (Sunnybrae, San Mateo/Burlingame H.S., etc.) from San Jose to SF that will suffer during construction and afterwards due to the sound/noise/vibration impacts from these trains. Children will be unable to concentrate or study due to lengthy construction and sound/noise/vibration afterward from 120-150 mph trains during school hours.

☒ **Racial Injustice and Civil Rights Violations:** the primarily poor Hispanic, African-American and new immigrant families residing near the existing Caltrain tracks are low-income and cannot afford an attorney to contest Eminent Domain Condemnation Proceedings. But they will be the majority of evicted residents. They have been provided no information from HSRA prior to Eminent Domain takings. Further, 40-foot high sound walls will create a "Berlin Wall" separating East from West along these racial lines, which is likely a Civil Rights violation.

☒ **Additional Concerns/Complaints (list specific schools/property/businesses in the City to be affected):**

Your Revised Draft EIR did not study or reference many factors. There is no reference to arsenic along Caltrain tracks, no reference to shadows from sound walls for above ground track alignment, nor effects of construction/dust/sound/vibrations upon the children of Sunnybrae Elementary, the children and families (approximately 250 families and children) along Railroad Ave, N. and S. Claremont Ave, upon Pacific Ave, and all San Mateo streets that connect to those streets. Your EIR does not reference specific properties that will be taken through Eminent Domain, that your provided notice to these families, nor does it mention many San Mateo businesses (Century 12 Movie Theatre, Kingfish Restaurant, City Parking Garage, Stonecold Ice Cream, Talbot's Toyland, and the other 180 businesses next to the Caltrain tracks that will be taken through Eminent Domain. I live within 30 feet of the Caltrain tracks on East Bellvue Ave and can't move my family- father's illness and recent heart attack. He will likely die in this house if HSRA tries to force him out by a lawsuit, as well as his elderly friends of 30 years living in this area. Please do not force out old residents, living here 30 yrs before High Speed Rail, to die from your actions - many friend in N. Claremont and on S. Claremont Street in same situation. You do not study or mention the numbers of families and children, and elderly, and effect on us from construction or HSRA trains and their sound/noise/dust/vibrations if you run your trains above ground or at street level. HSRA should pay for tunneling if you make the decision to go through suburban neighborhoods and Downtown business districts, which is only fair since no where else in the world do High Speed Trains travel next to families.

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF and pays for the cost of tunneling, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF. \*\*

A copy mailed to: San Mateo City Council and Senator

Jerald Hill and Mr. Simitian & Feinstein and Boxer

\* this is a Public Record under Government Code\*\*

Thomas Burns

*Thomas Burns*

400 East Bellvue Ave San Mateo, CA 94401

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**Response to Letter I079 (Thomas Burns, April 22, 2010)**

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**I079-1**

The Authority has sought to utilize existing transportation corridors, like the Caltrain corridor, to the greatest extent feasible to minimize environmental impacts. However, the March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Specific property that may be necessary to implement a particular project level alignment alternative will be addressed during the project-level environmental process.

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**I079-2**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is

therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

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The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

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#### **I079-4**

See Response to Comment I040-4 regarding noise and vibration.

#### **I079-5**

See Response to Comment I040-5.

#### **I079-6**

The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives.

See Standard Response 3 regarding the level of detail for impacts analysis and mitigation, and Standard Response 2 regarding the tiered planning and EIR processes.

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website.

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## Comment Letter I080 (Brian Barron, April 25, 2010)

Dan Leavitt, California High Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814 (or comments@hsr.ca.gov or fax (916) 322-0827)

DATE: 4-25-2010

I080

Re: Comments to: Bay Area to Central Valley Revised Draft Program EIR Material Comments & April 8, 2010 Alternative Analysis Report for San Francisco to San Jose Section (AA)

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR) & 4/8/10 AA. I am a resident and/or business owner on the Peninsula between San Francisco to San Jose and am greatly concerned about HSRA's proposed actions.

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☒ **Additional Concerns/Complaints:**

QUALITY OF LIFE IN THE HAYWARD PARK NEIGHBORHOOD OF SAN  
MATEO, AND DEVALUE OF HOMES.

\*\*\* All above-referenced concerns are eliminated if HSRA tunnels the whole project from SJ to SF and pays for the cost of tunneling, or if HSRA riders exit at San Jose and use existing Caltrain Bullet trains to travel to SF and take the extra 10 minutes of additional time over HSRA train time from SJ-SF (both of which I strongly suggest.) \*\*\*

BRIAN A BARRON  
NAME  
Signature  
SIGNATURE  
123 12th AVE  
ADDRESS  
SAN MATEO, CA. 94402.  
ADDRESS

---

**Response to Letter I080 (Brian Barron, April 25, 2010)**

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**I080-1**

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage “death by HST.” The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

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**I080-3**

See Response to Comment I040-4 regarding noise and vibration.

**I080-4**

See Response to Comment I040-5.

**I080-5**

See Standard Response 6 regarding the requirements of CEQA to address quality of life issues and potential project impacts on residential property values.

**I080-6**

The proposed alignment along the Caltrain corridor between San Francisco and San Jose is approximately 50 linear miles. It is not considered feasible or practicable to have a tunnel for this distance. Nevertheless, the Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The commenter states that the HST should consider terminate in San Jose. The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

**I080-7**

See Standard Response 10.

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**Comment Letter I081 (Alison\_Millwood, March 8, 2010)**

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**I081****Kris Livingston**

**From:** Alison [alison@fernandesandsons.com]  
**Sent:** Monday, March 08, 2010 12:47 PM  
**To:** HSR Comments  
**Subject:** San Jose to Merced HST

I cannot express how strongly I feel against the potential widening of Monterey Highway in South San Jose to allow for high speed train tracks/ travel. | I081-1

Monterey Highway is congested enough with traffic at 6 lanes – it will be unbearable at 4 lanes.

I live two blocks off of the tracks and still remember a train derailing into homes not a block from my home. Horrendous. And now you want to put trains traveling faster along this well populated corridor. Bad idea. | I081-2

Not to mention traffic impact on neighborhoods adjoining the tracks. | I081-3

*Alison Millwood*  
2110 S. Bascom Ave., Suite 201  
Campbell, CA 95008  
Phone: (408) 626-9090 Ext: 210  
Fax: (408) 626-9248  
Email: [alison@fernandesandsons.com](mailto:alison@fernandesandsons.com)



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**Response to Letter I081 (Alison Millwood, March 8, 2010)**

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**I081-1**

The need to use the Monterey Highway corridor originated because UPRR has a very narrow right-of-way in this area and has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the potential impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. Feasible mitigation measures will also be discussed at the project-level.

**I081-2**

We acknowledge the comment expressing concern about derailments. Safety is of utmost concern to the Authority and the high-speed train system is being designed to comply with all applicable safety standards. As explained in the 2008 Final Program EIR, international experience with high-speed train systems demonstrates that they are one of the safest travel modes world wide.

**I081-3**

Permanent potential traffic impacts will be only near the proposed station areas or at road closures, which are anticipated to be few in number. All other locations will have only temporary construction impacts, if any. Detailed information and analysis of permanent and temporary potential traffic impacts due to the proposed HST project and feasible mitigation strategies will be included in project-level EIR/EISs. Potential changes in traffic volumes on regional roadways that result from HST section construction and effect of changed traffic volumes on operations of roadways and critical intersections will be analyzed in the project-level traffic impact analysis study.

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**Comment Letter I082 (Chris Davis, March 12, 2010)**

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**I082****Kris Livingston**

**From:** Christopher Davis [cdavis70@gmail.com]  
**Sent:** Friday, March 12, 2010 2:24 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program-Level EIR Material    Comments

California High-Speed Rail Authority,

I am writing to express my concern for the Program Alignment of the High Speed Rail route south of Diridon. My wife and I bought a house in the *North Willow Glen neighborhood* in August of 2008 for ourselves and our two young children, now five and three years old. We were very impressed with the friendly neighborhood atmosphere and decided to purchase a home in need of improvement. Since we have been in our new home, we have made upgrades both inside and out and we have met a number of other families who have made a similar decision to move to this community and improve their homes. We are concerned however that our ever-improving neighborhood will be forever harmed by the High Speed Rail Authority's program alignment through our neighborhood. While I can see the potential value of High Speed Rail with a stop nearby, I am concerned that the HSRA is taking a short term view of it's implementation south of the Diridon Station. We prefer the I-280/CA 87 alternate route over the expansion of the Caltrain lines that run four blocks from our community. Using the Caltrain route will introduce a significant increase in noise and further bisect our community. I understand that underground options are not practical, but I believe the I-280/CA 87 is practical, relatively affordable, and will have significantly less negative impact on the community as a whole. Please commit to including this alignment in the EIR/EIS and remove the current Program Alignment through our community from consideration.

I082-1

Best regards,  
Chris Davis



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**Response to Letter I082 (Chris Davis, March 12, 2010)**

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**I082-1**

If a network alternative is selected to San Jose, an 87-280 alternative alignment will be included in an alternatives analysis process as part of a project-level EIR/EIS.

## Comment Letter I083 (Ken Eklund, April 7, 2010)

**Kris Livingston**

**From:** Ken Eklund [writerguy.games@gmail.com] on behalf of Ken Eklund [writerguy@writerguy.com]  
**Sent:** Wednesday, April 07, 2010 10:29 PM  
**To:** San Jose to Merced Section EIR/EIS Team; HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments  
**Attachments:** HSR San Jose Split-final-print.pdf

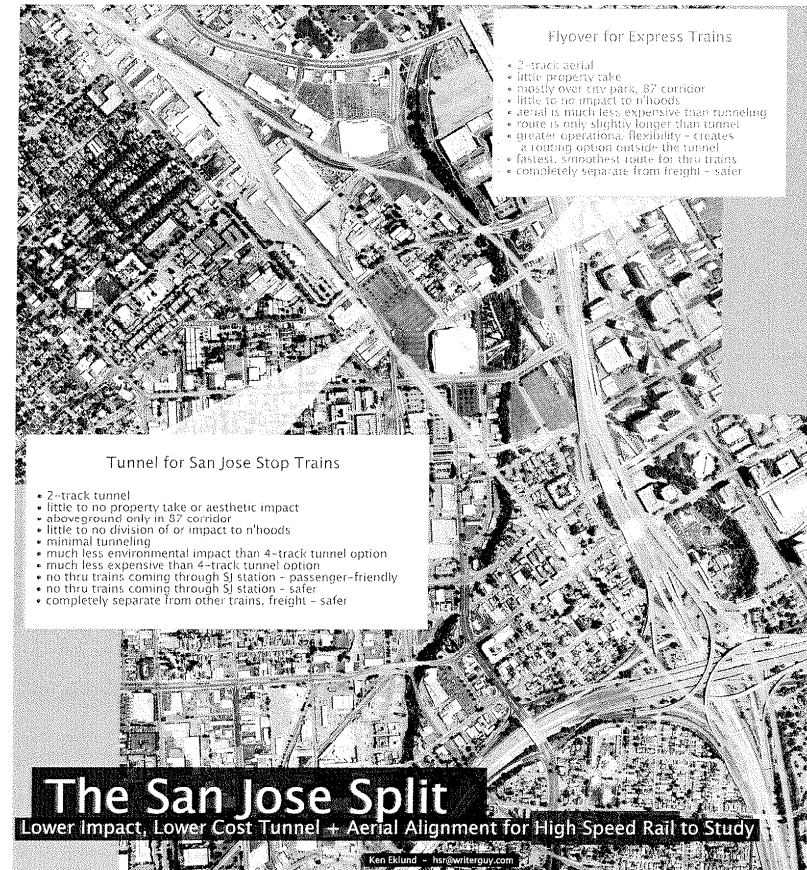
I wish to comment on the revisions to the EIR for High Speed Rail; my comments are included in the attached 7-page document entitled "The San Jose Split."

Thanks for your attention on this matter!

Ken Eklund  
 526 Fuller Avenue  
 San Jose CA 95125  
 408-280-1441

I083

I083-1



I083  
 -1  
 cont.

Split the train tracks, not our city.

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**Comment Letter I083 - Continued**

**Synopsis:**

Requested to include a tunnel option to the alignments it plans to study, the California High Speed Rail Authority (CHSRA) has drafted an alignment that bores four separate tunnels for trains. It has overlooked a much less expensive, more environmentally friendly tunnel configuration: the San Jose Split. The San Jose Split bores only two tunnels (one each for southbound and northbound trains stopping at San Jose); express trains avoid tunnels altogether and instead fly along an aerial structure along the Highway 87 alignment.

The San Jose Split should be included in the EIR study for two reasons:

- (a) It is superior to the CHSRA Tunnel. It will cost less, be less environmentally impactful, afford greater operating flexibility to the train operator, afford a better train experience to passengers, yet retain all the advantages that caused the City of San Jose to request a tunnel option in the first place: it doesn't split or impact any neighborhoods or cause a visual barrier, and moves trains efficiently through the city.
- (b) Because the San Jose Split costs significantly less and has lower environmental impacts, and because it has safety advantages over other alignment options such as the Program Alignment, it is viable as an option and therefore worthy of study.

**What is the San Jose Split?**

The concept is very simple:

split the train tracks, not the city.

Briefly, the alignment splits the HSR rail traffic into two separate track alignments as it approaches Diridon Station. Express trains (trains bypassing the San Jose station) take the route shown in green on the accompanying map – an aboveground flyover that mainly follows the Highway 87 corridor. Local HSR trains (trains stopping at San Jose), meanwhile, take the route shown in blue – they enter a tunnel and stop at the San Jose HSR station, which is underground.

**Leverage the split that already is occurring**

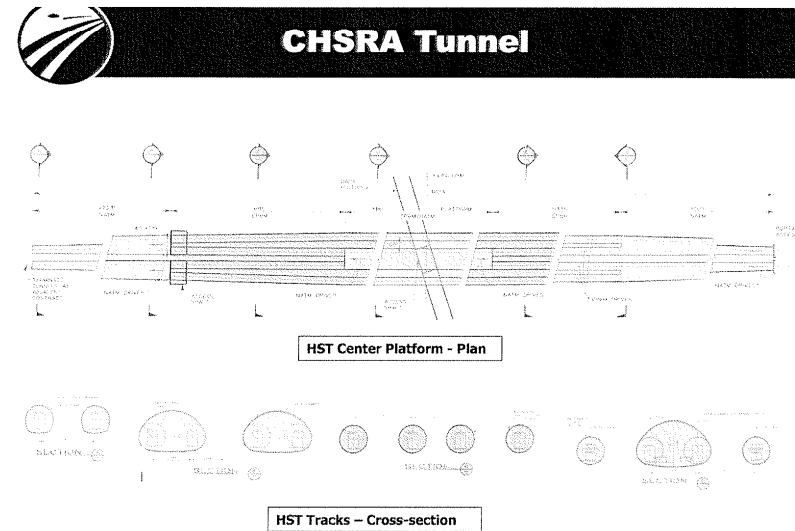
The San Jose Split leverages a little-noticed fact: there already is a rail line split in the current CHSRA plans. All HSR alignments necessarily widen into four tracks in their approach to Diridon Station, so the San Jose Split adds relatively little track.

**Counterintuitively, perhaps, the most efficient route**

The SJ Split seems easy to dismiss as impractical, but it's not. It's the most efficient alternative, because each track simply does what it should without compromise. It's a clear improvement on the HSRA's proposed tunnel alignment, and it offers advantages over the CHSRA's program alignments and 87/280 alignments.

I083-1  
cont.

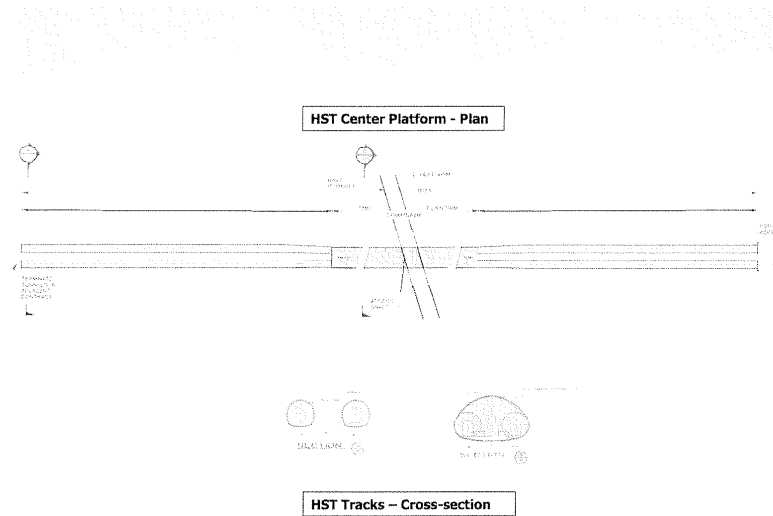
SJ Split's advantages over the CHSRA Tunnel are easy to see. Compare the CHSRA Tunnel (this page) with the San Jose Split (next page). The CHSRA Tunnel is complex and thus expensive; the San Jose Split tunnel is simple and thus inexpensive and lower impact.



I083  
-1  
cont.

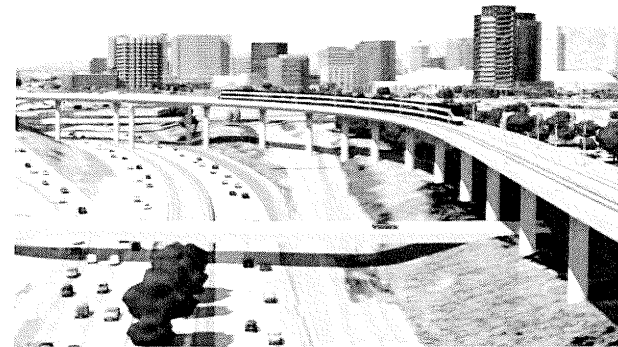
**This is the CHSRA Tunnel plan** as posted on their website and presented to the public on March 2. The tunnel begins as two tracks, northbound and southbound (shown in light blue). Then each track widens to two (orange section) in a complex tunnel section that CHSRA's tunnel expert identified as the most costly and difficult part of the operation. The four parallel tunnels (purple section) run to the underground station (green section) with the two express tracks to the outside. Note that the express tracks do not actually interface with the station (60' distance between its centerline and that of the local track) but they do require ventilation, emergency escape, and other costly infrastructure, according to CHSRA.

## Comment Letter I083 - Continued



**This is the San Jose Split Tunnel plan,** plotted using the same method as the CHSRA Tunnel plan. Its advantages over the CHSRA tunnel plan are immediately apparent. The northbound and southbound tracks each have a tunnel (again, light blue) which continues to the underground station (again, in green). The simple tunnels are bored by machine, which the CHSRA tunnel expert identified as the most inexpensive tunneling method and the best for safety and environmental protection. Unlike the CHSRA Tunnel Plan, there is no underground work in excess of what is actually needed to bring a San Jose-bound train to the San Jose station.

I083-1  
cont.



**The aerial part of the San Jose Split:** Instead of routing express trains underground, the San Jose Split routes them via an aerial track structure along the Highway 87 corridor. The image above is from a CHSRA visualization of a similar aerial structure along Highway 87. Refer to the SJ Split map (first page) to see an idea of how the route might go; a detailed study would be needed to find the best alignment.

I083-1  
cont.

### A billion dollars saved

A quick back-of-the-envelope calculation says that the price difference between the complex CHSRA Tunnel and the simple San Jose Split tunnel is a billion dollars: by avoiding boring half of the tunnels and especially by avoiding the need for non-mechanized tunnel construction, we can have the San Jose Split tunnel for one-third the estimated cost of the CHSRA Tunnel (\$1.5B).

According to CHSRA, an aerial structure is roughly two times the cost of a base track, and a (simple) tunnel is six to ten times the cost of a base track. By those rough figures, we could lay an aerial structure that was three to five times as long as the tunnel we avoid and still come out even. As it is, the aerial part of the San Jose Split is nearly as direct as the tunnel and so the cost for track, electrical support, etc. are approximately equal. We do have to add the cost of procuring the right-of-way for the aerial portion of the SJ Split, but this is a fraction of the extra cost required for the complex CHSRA Tunnel configuration.

### The operational flexibility advantage of the SJ Split

The San Jose Split offers a critical advantage over the CHSRA Tunnel, because HSR trains can continue to operate even if something goes wrong in the tunnel. CHSRA's operations expert cited operational flexibility as key to a profitable HSR operation.

5

**Comment Letter I083 - Continued**

**The Split is environmentally friendlier**

The San Jose Split is more environmentally friendly, because it drastically cuts the digging and other infrastructure needed.

**Conclusion 1: the San Jose Split is worthy of study**

The San Jose Split compares favorably with the CHSRA Tunnel alignment and thus must be included in the EIR study, either alongside or replacing the CHSRA Tunnel alignment.

**SJ Split has advantages over the CHSRA Program Alignment**

CHSRA's Program Alignment follows the existing Caltrain/Union Pacific right-of-way, which means the HSR trains would be directly adjacent to residences and neighborhoods, as well as next to or directly above the Caltrains, ACE trains, Amtraks and UP heavy freight trains. The Program Alignment also would require an elevated train station to be built over the common tracks and overshadowing neighborhoods and the historic Diridon Station.

**Health and safety concerns**

The Program Alignment sparks health and safety concerns because diesel trains would pass under the station (diesel smoke being a well-known health hazard) and because freight trains carry potentially hazardous and destructive cargoes. (Review the facts of the tanker-truck crash that destroyed the Highway 880 interchange in April 2007, and you will appreciate some of the safety and operational risks associated with putting high-speed rail trains and its passengers next to or above freight trains.)

**Visual impact, visual barrier**

The Program Alignment would require a massive elevated train station to be built above the train tracks at Diridon Station, a plan that has drawn much criticism for creating a 9-story visual barrier. The HSR Station would be located right next to a high-density residential area and thus would cause negative aesthetic impacts on the area and its residents. The HSR Station would also overshadow and have a negative aesthetic impact on the historic Diridon Station.

**The Program Alignment builds on a mistake**

The Program Alignment follows a "S-curve" rail alignment born of intense litigation in the early part of the 20th century. It thus follows a path determined by politics and not at all conducive to efficient train operations. Coming south from Diridon Station, the right-of-way swings east, then immediately south again in connected 90-degree turns. The turns reduce sight lines and significantly increase wheel-on-track noise levels right where you don't want it – broadcasted from an elevated position in an area which has homes abutting the tracks on both sides. Since its inception this rail line has been a constant drag on this area's potential and a revenue drain on the City.

**Serious neighborhood impact and barrier**

South of Diridon Station, the Program Alignment makes a speed-limiting S-curve through historic neighborhoods. The Program Alignment would move the two existing rail tracks

and its traffic out of the right-of-way center to its southern edge, thus closer to homes, and add another pair of tracks and its overhead electrical apparatus for HSR trains on an embankment or aerial platform on the northern side of the right-of-way – also close to homes. The program alignment thus would form a significant visual barrier for residents, especially those in the historic Gardner neighborhood, which is at risk to become a blighted neighborhood of San Jose (technically, it has already been so designated).

**Speed the express on its way**

In the train, express passengers will not go underground in San Jose, nor will they have to slow for the station or for S-curves. Instead they will get an express path with a great panoramic view of the San Jose downtown.

In discussions on HSRA's website, it's estimated that every second of travel time saved is worth a million dollars each year in competitive advantage.

**Conclusion: the SJ Split compares favorably with the Program Alignment and is therefore necessary to study**

The SJ Split separates HSR trains from freight trains, Amtrak trains, ACE Trains, and others at all points north of Tamien station. It removes HSR trains and the HSR station from the Gardner, Gregory Plaza, North Willow Glen, Hannah-Gregory and St. Leo's neighborhoods, and thus does not add to rail corridor impacts on the people in these communities nor contribute to blighting of these areas. It also improves HSR train performance by forcing the HSR alignment from performance- and safety-limiting S-curves.

Thank you for your time and attention to this important addition to the HSR Environmental Impact Report. Please take seriously the idea that the alternatives developed by CHSRA are not the only ones with merit and worthy of investigation.

*Ken Eklund*

Ken Eklund  
526 Fuller Avenue  
San Jose CA 95125  
(408) 280-1441

I083-2  
cont.

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**Response to Letter I083 (Ken Eklund, April 7, 2010)**

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**I083-1**

The Authority appreciates the comment. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. The Authority will consider the comment as part of the project-level EIR/EIS processes.

**I083-2**

See Response to Comment I083 – 1.



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**Comment Letter I084 (Julie Hardin, March 6, 2010)**

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I084

**Kris Livingston**

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**From:** Julie Hardin [juleahardin@gmail.com]  
**Sent:** Saturday, March 06, 2010 11:15 AM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

I can't believe that anyone would think that taking two lanes of Highway 101 for 8 miles through the Monterey Highway corridor would not result in a traffic nightmare. Can't people remember what traffic was like there before the highway was widened to 6 lanes? There were traffic backups there during week days and weekends alike. I would imagine that Ben Tripousis, San Jose Department of Transportation, is *smoking something* illegal to say that there would be an insignificant impact. If this were a commuter project, one might argue that traffic in that corridor would be lessened by the rail project, but high speed rail is NOT a commuter project. I would imagine that commuters who live in Morgan Hill and Gilroy will have something to say about this, plus the businesses like the Gilroy outlet malls and the Monterey aquarium, neither of which I would be visiting again in light of the return to gridlock on Highway 101 on weekends.

I084-I

Julie Hardin  
136 S 16th St  
San Jose, CA 95112

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**Response to Letter I084 (Julie Hardin, March 6, 2010)**

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**I084-1**

The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the potential impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. Feasible mitigation measures will also be discussed at the project-level.

## Comment Letter I085 (William R. Hough, April 24, 2010)

**Kris Livingston** I085

**From:** Bill Hough [psa188@yahoo.com]  
**Sent:** Saturday, April 24, 2010 2:56 PM  
**To:** HSR Comments  
**Cc:** Bill Hough  
**Subject:** Comments on Bay Area to Central Valley Revised Draft Program EIR  
**Attachments:** HSR-EIS comments.pdf

Dear Mr. Leavitt and the High Speed Rail Authority:

The attached letter contains Comments on Bay Area to Central Valley Revised Draft Program EIR. Please add to the formal record and provide a detailed response.

Thank you

William Hough

435 North 2<sup>nd</sup> Street  
 San Jose, CA 95112

April 24, 2010

Dan Leavitt [Sent by Email: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)]  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

Subject: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. I am a taxpayer and resident of Santa Clara County and I am concerned that the California High-Speed Rail Authority has not adequately analyzed various route alternatives into and through the San Francisco Bay Area. The Authority's proposed project routing would have extremely significant and negative impacts on the San Francisco Peninsula. Impacts would be experienced by me, my family, my neighborhood, and by the natural environment.

I085-1

Based on my expertise, I have the following comment to make on the Draft EIR:

The Altamont Pass Alternative needs to be re-evaluated, taking into account the California High-Speed Rail Authority's "Altamont Corridor Rail Project" which CHSRA describes thusly: "*The Altamont Corridor Rail Project is intended to provide a 'world class' rail connection between northern San Joaquin Valley and the Bay Area via Altamont Pass and the Tri-Valley area. The project would provide a new dedicated passenger line capable of supporting intercity and commuter rail service which would vastly improve the existing Altamont Commuter Express (ACE) service operating between Stockton and San Jose, as well as serve as a feeder to the statewide high-speed train system under development by the California High-Speed Rail Authority.*"

I085-2

Building the "Altamont Corridor Rail Project" in addition to the CHSRA's "Pacheco Pass Alternative" will essentially double the negative environmental impacts that only building one route would cause. Additionally, a future extension of the high-speed rail system to Sacramento would be less expensive and environmentally intrusive if the "Altamont Corridor Rail Project" alignment is also used for the Bay Area to Central Valley segment of high-speed rail. Therefore, the CHSRA needs to properly re-evaluate the route and alignment for the Bay Area to Central Valley project segment, completely comparing the environmental and economic impacts and economic and ridership benefits of the alternative alignments previously rejected in a cursory manner.

Please review and analyze the Bay Area to Central Valley routes again, taking the "Altamont Corridor Rail Project" into account. Please provide a detailed analysis of combining the two projects, and building only one Bay Area-Central Valley link. Do not dismiss this comment out of hand with a glib and unhelpful statement such as "the California High-Speed Rail Authority has determined that the Pacheco route is superior." The justification for the Pacheco route in the original "Bay Area to Central Valley Final Program EIR/EIS" was not sufficient and should not be repeated without elaboration again.

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**Comment Letter I085 - Continued**

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Page 2

Comments on Bay Area to Central Valley Revised Draft Program EIR

Additionally, the cities of Palo Alto, Menlo Park and the Town of Atherton sent detailed comment letters formally responding to the Bay Area to Central Valley Revised Draft Program EIR. For brevity, I will not reiterate each agency's comments here but I wish to add my support for the issues raised in each of their comment letters. Again, when responding to all comments, please avoid vague and unsubstantiated generalities.

I085-3

The law requires the Authority to do a much better investigation and documentation of the impacts the cities of Palo Alto, Menlo Park, the Town of Atherton discuss in their letters and route analysis that I have described above. Furthermore, the California Environmental Quality Act (CEQA) also requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, such as combining the "Altamont Corridor Rail Project" with the Bay Area to Central Valley segment of the high-speed rail route.

I085-4

I request you to revise the current Draft EIR to address these concerns, and that you then recirculate a Revised Draft EIR for further review and comment by the public.

Thank you for taking my comments and concerns into account, as CEQA requires.

Yours truly,

William R. Hough

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**Response to Letter I085 (William R. Hough, April 24, 2010)**

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**I085-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

**I085-2**

The Altamont Corridor was evaluated in the 2008 Final Program EIR and was identified as having great potential for Regional Rail passenger service. Currently, the Authority is pursuing a "regional joint-use" project in Altamont Corridor with support from local and regional partners. The project will serve a different Purpose and Need from the HST system serving the Northern California regional market. Per the Metropolitan Transportation Commission Regional Rail Plan, Altamont Corridor is a complement to both the regional network as well as the statewide HST network.

The Authority is working with regional rail partners for this work, including: (1) Alameda County Congestion Management Agency, (2) Altamont Commuter Express (ACE), (3) BART, (4) Caltrain, (5) Capitol Corridor, (6) California Partnership for the San Joaquin Valley, (7) Metropolitan Transportation Commission, (8) San Joaquin Council of Governments, (9) Tri Valley Policy Advisory Committee.

The key goals and objectives of this work are:

- Providing a regional rail improvement linking the northern San Joaquin Valley with the Bay Area
- Improving ACE service (operating between Stockton and San Jose)
- Providing connectivity and accessibility to Oakland and Oakland International Airport
- Connecting to northern California HST lines and accommodate compatible light weight train sets serving regional destinations
- The Authority disagrees that alternatives were rejected in a cursory manner, and that the Program EIR evaluation and justifications for the preferred alternative were insufficient. Please see Standard Response 10 regarding Alternatives.

Authority staff believe this Revised Final Program EIR Material provides sufficient information for the Authority board to make a decision of a preferred route from the Bay Area to the Central Valley.

**I085-3**

Comment acknowledged.

**I085-4**

Please see Standard Response 3 regarding level of detail for impacts analysis and mitigation. Please see Standard Response 10 regarding alternatives.

## Comment Letter I086 (Cynthia D'Agosta, April 23, 2010)

I086

Kris Livingston

From: gdblick@aol.com  
 Sent: Monday, April 26, 2010 4:41 PM  
 To: HSR Comments  
 Subject: EIR comments attached  
 Attachments: April 26.doc.doc

For the record.

April 23, 2010

California High Speed Rail Authority  
 Attn: Dan Leavitt, Deputy Director  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

**Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments**

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. The California HST project will have a long-lasting and far-reaching impact on the City of San Jose and surrounding jurisdictions, and our entire State. As a native Californian and resident of San Jose, I am participating in this discussion. I have reviewed the Revised Draft Program EIR and have the following comments:

I086-1

### A. General Comments:

A.2-5 - The need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share it, ROW opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignments but also the Altamont Pass alignments, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the UPRR ROW.

### B. Environmental Impacts and Mitigation Measures:

#### B.1 General Comments

B.1-1 - The document fails to disclose or adequately analyze the project's potential land use and transportation impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose, and the UPRR ROW from San Jose to Gilroy. Perhaps more importantly, the document fails to discuss the potential necessity of locating the project alignment away from either segment of this ROW, particularly in the San Jose to Gilroy segment where the UPRR owns and controls the corridor. The potential need for a new project alignment in these areas necessitates a revised analysis of project impacts.

I086-2

B.1-2 - The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. It is far too early in the analysis to know exactly how much area of the corridor will need to be studied or mitigated for, as that level of understanding will come with more specific study of each route chosen. The analysis should call for a varying width of corridor for impacts, precise widths to be determined as species or natural resources are identified in the project EIR's. Some impacts, such as noise, can have a significant effect several hundred or even several thousand feet away from the project corridor. Impacts to wildlife such as birds, whose range is far reaching beyond the tracks must be considered when determining areas of analysis. The impact discussion should be revised to use appropriately sized impact corridors as appropriate for each specific impact, with no corridor narrower than 500 feet to either side of the proposed HST corridor.

I086-3



## Comment Letter I086 - Continued

### B.2 Aesthetics and Visual Impacts

B.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics and visual impacts. Many of the proposed project elements (such as the train itself, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated.

I086-4

B.2-2 - The document fails to address the visual impacts of elevated structures and the associated 45 miles of sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor. The document also fails to address the shade and shadow impacts of these proposed elevated structures and sound walls.

I086-5

B.2-3 - The document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment. Such structures would be significant new elements in the visual landscape, and their visual impacts need to be addressed in the EIR.

I086-6

### C.3 Agriculture

C.3-1 - Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land, particularly if the proposed ROW must be relocated away from the UPRR ROW within the San Jose to Gilroy corridor. This relocation could be necessitated by UPRR's refusal to share a ROW with the HST system. Local, State and Federal agricultural mitigation programs must be recognized when establishing mitigation methods and amounts.

I086-7

### C.4 Biological Resources

C.4.1 - Statements such as those on page 7-13 (second paragraph, lines 4-7) ... "That the preferred alternative to San Francisco would have slightly less potential impacts on wetlands (15.6 ac vs. 17A ac), waterbodies (3.8 ac vs. 4.5 ac), and streams (20,276 linear ft. vs. 21,788 linear ft), but would have slightly more potential impacts on floodplains (520.6 ac vs. 477.5 ac) and species (plant and wildlife) ..." are not very helpful without knowing something about the current quality, trends, susceptibility, and other threats (cumulative or otherwise) to these resources. An attempt to look at these from a landscape point of view should be considered. Just providing disturbed acreage estimates can be very misleading, and could support or lead to incorrect conclusions about the comparative severity of impacts between alternatives. Please explain the process of analysis used, and values given to different wetland, waterbodies, and streams in determining "less" and "slightly less" impacts.

I086-8

Impacts to movement of wildlife by the tracks in all options of alignment, sound walls and affiliated structures must be included in the analysis.

I086-9

C.4.2 - It is a mistake to equate only miles of disturbance with environmental impacts: For example, on page 7-15, second paragraph, lines 5-8, the document states, "However, this alternative has greater environmental impacts ... since it requires nearly 38 additional miles of HST alignment to be constructed along the east bay" and repeats this statement on page 7-15, third paragraph, lines 5-7. The severity of the environmental impact depends on what biological resources are encountered in those 38 additional miles, and what is encountered in the original

I086-10

alignment before the 38 miles are added on. Similarly, the impacts depend on the nature/severity of the impacts encountered. One significant impact in a short stretch of alignment would have more weight than several, or indeed many, less than significant impacts in a longer stretch of alignment.

I086-10  
cont.

C.4.3 - The document perpetuates a common error in only considering threatened and endangered species (T&E species). EIRs and EISs are not environmental compliance documents. They are environmental impact assessment documents. Yet there is no consideration of the potential for impacts to many non-T & E species, especially keystone species, particularly in terms of habitat loss and fragmentation.

I086-11

C.4.4 - The document does not address the wide-ranging effects of air and water emissions (pollution) and noise on biological resources, particularly wildlife and their critical habitat. The harmful effects of pollution have contributed to the listing of numerous species under the Endangered Species Act, yet the document focuses on the direct impacts associated with the loss of habitat. Habitat fragmentation and degradation are not addressed. The indirect effects of air, water, noise, and other emissions, even if they meet regulatory and/or permit thresholds, are ignored. Not all habitats are of equal value. Certain habitats disproportionately contribute to ecosystem functioning and are analogous to keystone species. Even non-keystone habitats vary in quality with very different functional value. These nuances are ignored or overlooked, and should be the major focus of affected environmental discussions.

I086-12

C.4.5 - The document fails to address the potential loss of valuable wildlife habitat, including wetlands, particularly if the proposed right-of-way must be relocated away from the Caltrain/UPRR right-of-way anywhere along the San Francisco to Gilroy corridor.

I086-13

Regards,

Cynthia D'Agosta  
3403 Calico Ave.  
San Jose, CA 95124

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**Response to Letter I086 (Cynthia D'Agosta, April 23, 2010)**

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**I086-1**

See Standard Responses 9 and 10.

**I086-2**

The Revised Draft Program EIR Material is specifically intended to address the final judgment in the Town of Atherton litigation. The judgment required the Authority to recirculate the EIR with a revised discussion clarifying the location of HST track between San Jose and Gilroy, impacts on surrounding businesses and residences, construction impacts on Monterey Highway and impacts on UPRR use of its right-of-way and its spurs. Chapter 2 of the Revised Draft Program EIR Material clarifies that the alignment would be adjacent to UPRR right-of-way, and not within UPRR right-of-way. Chapter 2 also includes a revised land use, traffic, aesthetics and visual quality, and cultural resources analyses in light of the clarified HST track location. Chapter 3 of the Revised Draft Program EIR Material discusses the potential need for additional property if UPRR right-of-way cannot be used for the HST system. Chapter 3 notes that San Francisco to San Jose is unique because the right-of-way is owned by Caltrain rather than UPRR. Also see Standard Responses 2 and 3.\

**I086-3**

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might

result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

**I086-4**

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

**I086-5**

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the

impact, the level of significance, and mitigation can only be done at the project level.

#### **I086-6**

Visual impacts related to vehicle and pedestrian overcrossings and undercrossings were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapters 2.4 and 4.1 of the Revised Draft Program EIR Material. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

#### **I086-7**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of farmland impacts as included in the May 2008 Final Program EIR, however, because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. These strategies will be considered by the Authority for inclusion in a programmatic mitigation monitoring and reporting program, and for refining and applying in the project-level EIR/EISs as more detailed information becomes available.

#### **I086-8**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 8 of the 2008 Final Program EIR and Chapter 7 of the Revised Draft Program EIR that discuss the relative environmental impact differences between preferred Pacheco Pass network alternative and the most promising Altamont Pass network alternative. Based on this information, the U.S. EPA and the U.S. Army Corps of Engineers concurred that the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008.

#### **I086-9**

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Impacts to wildlife movement were considered in Chapter 3.15 of the May 2008 Final Program EIR.

Mitigation strategies to minimize impacts on sensitive species and habitat and wildlife movement corridors are included in the 2008 Final Program EIR. These include the following:

- Construct wildlife underpasses, bridges, and/or large culverts to facilitate known wildlife movement corridors.
- Ensure that wildlife crossings are of a design, shape, and size to be sufficiently attractive to encourage wildlife use.
- Provide appropriate vegetation to wildlife overcrossings and undercrossings to afford cover and other species requirements.

- Establish functional corridors to provide connectivity to protected land zoned for uses that provide wildlife permeability.
- Design protective measures for wildlife movement corridors in consultation with resource agencies.
- Use aerial structures or tunnels to allow for unhindered crossing by wildlife.

#### **I086-10**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources impacts were not identified as requiring further work. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 3.15 of the 2008 Final Program EIR. As noted in Chapter 8 of the Final Program EIR, the U.S. EPA and the U.S. Army Corps of Engineers concurred with this level of information to identify the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008. The Superior Court in the Town of Atherton case concluded that the level of detail was adequate for a Program EIR.

#### **I086-11**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The biological analysis was based on the thresholds and criteria set in CEQA Appendix G. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information

regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation.

#### **I086-12**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Chapter 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation. This detailed analysis will also identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

**I086-13**

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR, however, because the study area as discussed in the 2008 Final Program EIR extended out 1,000 ft in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

## Comment Letter I087 (Bob Jansen, April 5, 2010)

I087

Kris Livingston

**From:** Bob Jansen [jansenr@sbcglobal.net]  
**Sent:** Monday, April 05, 2010 1:51 PM  
**To:** HSR Comments  
**Cc:** Bob Jansen  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

Re: Opposition to using Monterey Highway route through San Jose & especially decreasing Monterey Highway traffic lanes

As a longtime resident just west of Monterey Highway in San Jose, I am very concerned and very much against the proposal, of running the high speed rail parallel to/along Monterey Highway and especially for the current proposal to decrease the quantity of lanes from three to two or less due to UPRR's rejection of using their tracks. Three reasons - 1) increased noise, rail volume & vibration of the ground, 2) increased traffic congestion on Monterey Highway as well as increase of traffic caused risks through parallel neighborhoods and 3) decreasing real estate values & increased homeowners maintenance costs as a result of more train activity.

I087-1

The increase in noise of, did I read, the anticipated 86 more trains per day, added to the additional ground vibration potentially causing damage to house foundations & exterior wall coverings (cracks in stucco), appurtenant structures, hot tubs, swimming pools, patios, not to mention fences and landscape is something which can not be accepted. This will cause homeowners costs which normally would not be an issue in addition to a decrease in current quality of life from the increased noise.

I087-2

The increase in traffic congestion, traffic jams and accidents due to decreasing traffic lanes from three to two or less - especially during commute hours also is of major concern. This can potentially cause drivers to go through the local neighborhoods to bypass congested intersections verses remaining on Monterey Highway impacting safety and creating risks to neighborhoods, joggers, and children with increased traffic, especially at increased speeds, well over the normal 25 MPH.

I087-3

Real estate values have taken a major hit recently due to the recession and the economy - we don't need another item to decrease them even more. Between potential increased maintenance costs of house, structure etc, as mentioned above, due to a major increase of rail activity (volume & ground vibration) coupled with the increase of noise could further decrease home values. Will there be any reimbursements for these costs and impact to real estate values ?

I087-4

The Altamont Pass option, in my mind, would be a much better alternative than the current proposed path.

I087-5

Thank you for your consideration.

Bob Jansen

(4087) 629-0556



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**Response to Letter I087 (Bob Jansen, April 5, 2010)**

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**I087-1**

Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway on traffic, circulation, parking and pedestrian and bicycle facilities if a Pacheco alignment is selected. Feasible mitigation measures will also be discussed at the project-level. The results of the analysis will be documented in a Traffic, Transit, Circulation and Parking Report. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. Given that the HST alignment in this area did not change but rather was more clearly defined in the 2010 Revised Draft Program EIR Material the noise evaluation did not change from the 2008 Final Program EIR Mitigation strategies for noise are provided in Section 3.4.5 of the 2008 Final Program EIR. See also Standard Responses 3, 5, and 6.

**I087-2**

See Standard Response 3.

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs.

**I087-3**

Comment noted. The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the potential impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. Potential for traffic congestion to change or disrupt access or circulation of emergency vehicles will also be evaluated.

**I087-4**

See Standard Response 6 regarding property values.

**I087-5**

Comment acknowledged.

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**Comment Letter I088 (Carlos Martinez, March 5, 2010)**

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**I088****Kris Livingston**

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**From:** Carlos Martinez [carlosmart@gmail.com]  
**Sent:** Friday, March 05, 2010 11:31 AM  
**To:** HSR Comments  
**Cc:** carlosmart@gmail.com  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

Hello,

I'm a San Jose resident who lives next to Monterrey Highway, between Blossom Hill Rd and Bernal Rd. I just went through the the Revised Draft Program EIR Material available on the California High Speed Rail Authority website, and I noticed that the document was updated yesterday with the following verbiage:

"Between south San Jose and Gilroy, property acquisition would be required where the HST alignment would be adjacent to the UPRR. East of Gilroy, the alignment would travel or through rural land."

I088-1

The revised document also indicates that there will be a 'higher magnitude' of properties affected by the project between San Jose and Gilroy. Like many other residents in the Silver Leaf neighborhood, my backyard faces Monterrey Hwy. Do you know if there's a high likelihood residents in my neighborhood who are next to Monterrey Hwy will have their properties acquired as part of the HSR?

Any information you could provide would be greatly appreciated.

Regards,  
Carlos Martinez

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**Response to Letter I088 (Carlos Martinez, March 5, 2010)**

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**I088-1**

Because this is a program-level document, the analysis considered the potential for property impacts on a broad scale. Potential project-level impacts on property will be addressed at the project-level. See also Standard Responses 3 and 6.

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**Comment Letter I089 (Son T. Nguyen, March 7, 2010)**

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**I089****Kris Livingston**

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**From:** son t. nguyen [son\_ots@yahoo.com]  
**Sent:** Sunday, March 07, 2010 6:29 PM  
**To:** HSR Comments  
**Cc:** nguyen son  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

Attn: Dan Leavitt  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Attn: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Shrinking the highway from six lanes to four from Umbarger to Metcalf road surely will create traffic congestion nightmare in South San Jose. I've been driving to work from South San Jose to Sunnyvale for the last 15 years to see the 101 North grid lock starts from Hellyer all the way to Old Oakland Road. Lots of people including myself often use Monterey road as the alternative; yet, it's been a 45 minute trip for a 15 mile distance every morning. The traffic sure will also get worst when the new shopping center, and resident area next to the IBM/Hitachi was completed. Shrinking the Monterey Road from 6 lanes to 4 lanes surely is a bad decision.

I089-1

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**Response to Letter I089 (Son T. Nguyen, March 7, 2010)**

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**I089-1**

Comment noted. The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. Potential for traffic congestion to change or disrupt access or circulation of emergency vehicles will also be evaluated.

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**Comment Letter I090 (Allison Baerin, April 14, 2010)**

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**I090****Kris Livingston**

**From:** Allison Baerin [jaszpur@gmail.com]  
**Sent:** Wednesday, April 14, 2010 1:42 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

TO: Dan Leavitt  
California High-Speed Rail Authority

I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community.

If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood.

Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance.

Thank You!

Allison Baerin  
Sunnyvale, CA

I090-1

I090-2



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**Response to Letter I090 (Allison Baerin, April 14, 2010)**

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**I090-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I090-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

## Comment Letter I091 (Ruben and Sara Chavez, April 14, 2010)

**Kris Livingston**

**I091**

**From:** Ruben and Sara Chavez [rchavez0150@charter.net]  
**Sent:** Wednesday, April 14, 2010 3:00 PM  
**To:** HSR Comments  
**Subject:** "Bay Area to Central Valley Revised Draft Program EIR Material Comments"

>TO: Dan Leavitt

>California High-Speed Rail Authority

>

>I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community.

>

>If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood.

I091-1

>

>Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance.

I091-2

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>Thank You!

>

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**Response to Letter I091 (Ruben and Sara Chavez, April 14, 2010)**

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**I091-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I091-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

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**Comment Letter I092 (Mary Craig, April 14, 2010)**

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**I092****Kris Livingston**

**From:** Mary Craig [mary@maryscraig.com]  
**Sent:** Wednesday, April 14, 2010 6:23 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

TO: Dan Leavitt  
California High-Speed Rail Authority

I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community.

If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood.

I092-1

Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance.

I092-2

Thank You!

*Mary Craig*

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**Response to Letter I092 (Mary Craig, April 14, 2010)**

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**I092-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I092-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

## Comment Letter I093 (Christina Harper, April 14, 2010)

I093

Kris Livingston

**From:** Christina Harper [christinaharper@comcast.net]  
**Sent:** Wednesday, April 14, 2010 1:46 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

TO: Dan Leavitt  
 California High-Speed Rail Authority

I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community.

If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood.

Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance.

Thank You!

Christina Harper

I093-1

I093-2



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**Response to Letter I093 (Christina Harper, April 14, 2010)**

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**I093-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I093-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

## Comment Letter I094 (R. E. MacCrisken, April 14, 2010)

I094

**Kris Livingston**

**From:** MacCrisken@aol.com  
**Sent:** Wednesday, April 14, 2010 5:08 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community.

If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood.

I094-1

Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance.

I094-2

Thanking you for your time,

R. E. MacCrisken</HTML>

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**Response to Letter I094 (R. E. MacCriskin, April 14, 2010)**

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**I094-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I094-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

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**Comment Letter I095 (Katy McCleary, April 14, 2010)**

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**Kris Livingston****I095**

**From:** Katy McCleary [katymccleary@gmail.com]  
**Sent:** Wednesday, April 14, 2010 1:43 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

TO: Dan Leavitt  
California High-Speed Rail Authority

I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community.

If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood.

I095-1

Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance.

I095-2

Thank You!

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**Response to Letter I095 (Katy McCleary, April 14, 2010)**

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**I095-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I095-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

## Comment Letter I096 (Stephanie Neal, April 14, 2010)

I096

Kris Livingston

**From:** Stephanie Neal [skcastro@sbcglobal.net]  
**Sent:** Wednesday, April 14, 2010 2:13 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

TO: Dan Leavitt  
 California High-Speed Rail Authority

I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community.

If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood.

Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance.

Thank You!

Stephanie Neal

I096-1

I096-2

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**Response to Letter I096 (Stephanie Neal, April 14, 2010)**

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**I096-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I096-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.



## Comment Letter I097 (Laura Newman, April 14, 2010)

I097

Kris Livingston

**From:** Laura Newman [dragoncaverns@gmail.com]  
**Sent:** Wednesday, April 14, 2010 2:08 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

TO: Dan Leavitt  
 California High-Speed Rail Authority

I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community.

If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood. I097-1

Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance. I097-2

Thank You,

Laura Newman

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**Response to Letter I097 (Laura Newman, April 14, 2010)**

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**I097-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I097-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

## Comment Letter I098 (Klaudia Ocano, April 14, 2010)

**Kris Livingston**

**I098**

**From:** Klaudia Ocano [klaudiaocano@yahoo.com]  
**Sent:** Wednesday, April 14, 2010 2:24 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

TO: Dan Leavitt  
 California High-Speed Rail Authority

I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community.

If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood.

I098-1

Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance.

I098-2

Thank You!

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**Response to Letter I098 (Klaudia Ocano, April 14, 2010)**

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**I098-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I098-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

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**Comment Letter I099 (Nathalie Otala, April 14, 2010)**

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**I099****Kris Livingston**

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**From:** Nathalie Otala [nathalie@otala.com]  
**Sent:** Wednesday, April 14, 2010 1:49 PM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

TO: Dan Leavitt  
California High-Speed Rail Authority

First I would like to say that I think High Speed Rail is essential. Please don't let the request for more studies keep this from happening. | I099-1

I am concerned with the currently proposed High Speed Rail route through North Willow Glenn having adverse effects on the community. |

If the planned route is implemented the community will lose numerous houses, a church, and much of Fuller Park. In addition, the Environmental Impact Report results show that there would be a negative "medium level" noise and vibration impacts to the residential neighborhood. | I099-2

Based on these negative impacts to the community, I am requesting that a full impact assessment of the proposed alternative route which would align the HSR along Route 280 and Route 87 be completed before the EIR report is closed. The analysis should provide for a full comparison of this option based on visual impacts, aesthetics, noise, property impacts, constructability, cost, and community acceptance. | I099-3

Thank You!

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**Response to Letter I099 (Nathalie Otala, April 14, 2010)**

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**I099-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I099-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

## Comment Letter I100 (Deirdre B. McGaffey, April 15, 2010)

I100

**Kris Livingston**

**From:** DB Schwein [ddb@i-ddb.com]  
**Sent:** Thursday, April 15, 2010 10:12 AM  
**To:** HSR Comments  
**Subject:** Bay Area to Central Valley Revised Draft Program EIR Material Comments

TO: Dan Leavitt  
 California High-Speed Rail Authority

Dear Mr. Leavitt;

I am concerned with what I have heard about the currently proposed High Speed Rail route through North Willow Glenn having an adverse effects on the residential community.

The current route will cause the community to lose numerous houses, a church, and a portion of Fuller Park. The Environmental Impact Report results also show that there would be vibration and "medium level" noise issues for the residences.

I100-1

I am adding my voice to the request to have a full impact assessment of the proposed alternative route, which would align the railway along Route 280 and Route 87, be completed before the EIR report is closed. This alternate route seems to address most of the issues I have mentioned, and should provide a good comparison to the current proposal.

I100-2

Thank you for your time.

Regards;

Deirdre B McGaffey  
 ddb@i-ddb.com  
 408-829-3832



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**Response to Letter I100 (Deirdre B. McGaffey, April 15, 2010)**

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**I100-1**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.

**I100-2**

Comment acknowledged. As a result of CEQA and NEPA scoping for a the project-level EIR/EIS for the area between San Jose and Merced, the Authority has received comments suggesting an alternative south of San Jose along the I-280 and SR-87 to avoid impacts to the North Willow Glen neighborhood. The Authority and the FRA are examining such a suggested alternative as part of its preliminary alternatives screening within the project-level EIR process.